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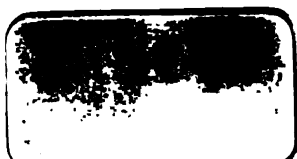
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C A S E S
ARGUED AND DETERMINED
RELATING TO
THE POOR LAWS,
TO
POINTS IN CRIMINAL LAW,
AND OTHER SUBJECTS
CHIEFLY CONNECTED WITH
The Duties and Office of Magistrates:

COMMENCING WITH MICHAELMAS TERM, 10 VICTORIÆ.

REPORTED PRINCIPALLY BY
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REPORTS OF CASES

CONNECTED WITH

THE DUTIES AND OFFICE OF MAGISTRATES:

COMMENCING IN

MICHAELMAS TERM, 10 VICTORIÆ.

1846. } THE QUEEN v. THE INHABIT-
Nov. 11. } ANTS OF WATFORD.

*Birth Settlement—Residence—Appeal,
Grounds of—Removal of Widow to Maiden
Settlement—Complaint by Overseers.*

Under a ground of appeal stating that the examinations were defective, for not shewing by sufficient statement of facts that the pauper at the time the order of removal was made, was chargeable to the respondent parish:—Held, that the appellants were not entitled to object that the examinations did not shew the residence of the pauper in the respondent parish.

A birth settlement does not require a residence of forty days to complete it.

An order of removal (made upon the complaint of the overseers of S.) described the pauper as the widow of J. L. and removed her to W, which the examinations shewed to be the place of her maiden settlement:—Held, that the examinations supported the order of removal, the latter furnishing no evidence of the settlement of J. L. the husband, and that no inquiry into the place of his settlement was necessary.

Held, also, that the statement of the complaint was sufficient.

On appeal against an order of two Justices for the removal of Mary Lewis, widow, from the parish of St. John, Hackney, to the parish of Watford, in the county of

Herts, the Sessions for Middlesex confirmed the order, subject to the opinion of this Court upon a CASE, the material parts of which were as follows:—The order of removal recited, that complaint had been made to the Justices making the order, “by the overseers of the poor of the parish of St. John, at Hackney, that Maria Lewis, widow, had come to inhabit,” &c. The heading of the examination of Maria Lewis the pauper, described her as “of the parish of St. John, at Hackney,” and as “the widow of James Lewis, deceased.” The examination was as follows:—“The said Maria Lewis saith, that she does not know the place of legal settlement of her said late husband James Lewis, deceased. That she has never done any act to gain a legal settlement in her own right. That she is now actually become chargeable to, and been relieved by the parish of St. John, at Hackney, for several weeks last past, with money and bread, and with 1s. on the day of the date of this her examination” (the day on which the order of removal was made). The examination of W. Batlew proved the birth of the pauper Maria Lewis, in the parish of Watford, but did not shew that she had ever resided in Watford forty days. The examination of Joseph Dorsett, relieving officer of the Hackney Union, was as follows:—“The said Maria Lewis is chargeable to and has been relieved by the parish of St. John, at Hackney, &c. with bread

and money for several weeks last past, and with 1s. on this 11th day of December 1844."

The grounds of appeal against the order, so far as the same related to the sufficiency of the examinations, were, first, that the examinations are bad, defective, and insufficient on the face thereof respectively, and fail and omit to shew by sufficient statement of facts, and by proper and legal evidence of such facts, that Maria Lewis was, at the time the order was made, actually chargeable to the parish of St. John, at Hackney. Secondly, that the examinations are insufficient to support the order, inasmuch as they fail and omit to shew that Maria Lewis ever inhabited in the parish of Watford, for the space of forty days at the least, so as to gain a settlement there. Thirdly, that the examinations are also insufficient to support the order, inasmuch as they contain no evidence whatever tending to shew any settlement in the parish of Watford of James Lewis, named as the husband of Maria Lewis, in her examination, or that James Lewis ever was settled in the parish of Watford. Fourthly, that the examinations are also insufficient, &c., inasmuch as they fail to shew that the place of the last legal settlement of James Lewis, mentioned as the late husband of Maria Lewis, in her examination, is unknown, and cannot be ascertained.

When the appeal came on to be heard, the appellants insisted that the order of removal ought to be quashed on account of the insufficiency of the examinations, as pointed out in each of the above four grounds of appeal. The Sessions overruled each of these objections, held the examinations sufficient, and confirmed the order of removal, subject to the decision of this Court. The appellants also insisted that the order of removal was bad, for not shewing on its face that it was made on a sufficient complaint by parish officers having authority to complain in such behalf. The Sessions overruled this objection also, subject to the opinion of this Court. If this Court should be of opinion that the above objections or any one or more of them ought to have been allowed by the Court of Quarter Sessions, then the order of removal, and the order of Sessions confirming the same, were to be severally

quashed, otherwise the same were to stand affirmed.

Prendergast (*Montagu Chambers* with him), in support of the order of Sessions.—First, the examinations sufficiently shew the chargeability of the pauper. She is stated to be "of the parish of St. John, at Hackney," where her evidence was given, and to have received relief from that parish on that day. This statement of chargeability imports inhabitancy — *The Queen v. the Inhabitants of Rotherham* (1). Secondly, the pauper is removed to the place of her birth. No residence, in such case, is necessary. Birth itself, alone, gave a settlement, without residence, by the statutes 12 Rich. 2. c. 7. and 1 Jac. 1. c. 7. (2), before the statute 13 & 14 Car. 2. The resolution of the Judges of Assize in 1633 (3), was, that "every one who is settled as a native, householder, sojourner, an apprentice, or servant retained for one month at the least, shall be held to be settled." Whether the word "retained" confines the necessity of residence to the case of a servant only, as suggested by Mr. Nolan (4), or not, the word is at least inapplicable to the case of a "native." And, with the exception of the word "retained," the words of the resolution of the Judges are the same as those of the statute 13 & 14 Car. 2. c. 12. That statute, therefore, did not alter the previous law in this respect, or render residence necessary in the case of a birth settlement. And the universal practice and interpretation of the statute since the time it passed, has been to consider residence, in such a case, unnecessary. Nolan says (p. 289), "The methods of acquiring a settlement may be divided into two general classes—first, such as are communicated without a residence of forty days, which may be called derivative settlements, and are, marriage, parentage, and birth. Secondly, where residence of forty days is necessary, which may be called acquired settlements." And Burn, tit. 'Poor,' vol. 4. p. 411, after observing that "a settlement by birth seems to be founded on the 13 & 14 Car. 2. c. 12; and,

(1) 3 Q.B. Rep. 776; s. c. 12 Law J. Rep. (N.S.) M.C. 17.

(2) Cited in 1 Nolan's Poor Law, pp. 268, 271.

(3) Dalton, 289, cited in 1 Nolan's Poor Law, p. 273, note.

(4) 1 Nolan, 273.

therefore, it would seem that a residence of forty days is essential to the acquisition of a birth settlement," goes on to say, "But there is no decision to this effect; and the tacit convention of parishes not to insist upon it would most probably induce the Court to overrule such an objection, if it were now attempted to be set up"—*Spitalfields v. St. Andrew's, Holborn* (5), *The King v. St. Mary's, Leicester* (6), *Cripple-gate v. St. Saviour's* (7). Thirdly, as to the settlement of the husband, it was unnecessary to notice it at all—*The Queen v. the Churchwardens of Birmingham* (8).—(He was then stopped.)

Pashley, contra.—First, the evidence of chargeability is insufficient, inasmuch as it does not shew the inhabitancy of the pauper in the removing parish. It is necessary that there should be a distinct averment of the inhabitancy of the pauper at the time the order of removal is made. Nothing is to be left to implication—*The Queen v. St. Sepulchre, Northampton* (9). Inhabitancy, therefore, cannot be inferred from chargeability.

[*Frendergast.*—This objection is not raised by the grounds of appeal.]

Secondly, the power to make the order of removal is derived entirely from the statute 13 & 14 Car. 2. c. 12. And the words of that statute only authorize the Justices to remove paupers to the parish where "they were last legally settled, either as a native, householder, sojourner, apprentice, or servant, for the space of forty days at the least." These words, "for the space of forty days," override and refer to each and every of the antecedents mentioned, as well "a native" as "an apprentice or servant."

[*COLBRIDGE, J.*—What is the meaning of being a "native for forty days" ?]

It is "settled as a native for forty days;" that is, having resided, being a native, for forty days, and so having become settled.

[*ERLE, J.*—What then did the party get by being a native? For if he sojourned for forty days, whether a native or not, that alone would give him the settlement.]

The words of the statute, in their natural and grammatical construction, make the residence as necessary in the one case as the other, and the "tacit convention of parishes not to insist on this objection," (as mentioned by *Burn*,) for however long a time, cannot prevail against the express enactment of the legislature. Thirdly, the pauper is removed as the "widow of James Lewis." This order of removal would be some evidence of her husband's settlement—*The King v. the Inhabitants of Rudgeley* (10), *The King v. the Justices of the West Riding (Keighley v. Wilsden)* (11). It was therefore the duty of the respondents to ascertain that settlement, and remove upon it. Lastly, the complaint is made by the overseers only. It should have been by the churchwardens and overseers, or by some on behalf of the parish officers—*The King v. Fairfax* (12), *The Queen v. the Inhabitants of Bedingham* (13).

LORD DENMAN, C.J.—It appears to me that none of the objections raised by these grounds of appeal can prevail. The first is, that the examinations do not shew, by proper evidence, that the pauper was chargeable to the removing parish at the time the order was made. In common sense I can only read this ground of appeal as stating that the appellants consider the examinations to be imperfect, because the fact of chargeability does not therein appear. If it had been meant to contend that the pauper could not, upon the facts stated, be chargeable, because the residence in the removing parish did not appear, it ought to have been so stated in the ground of appeal. That would have been a different objection altogether. It should be well understood that parties go to trial upon the issues raised by the objections stated in the grounds of appeal; and it is unjust and unfair to attempt, after specially pointing out the objections to the examinations, and so directing the attention of the respondents to those points only, to catch them by objections, which are not disclosed by the ground of appeal, fairly interpreted. The second ground of appeal, that the pauper never

(5) Fort. 307.

(6) 3 Ad. & El. 644; s. c. 4 Law J. Rep. (N.S.) M.C. 95.

(7) 2 Bott. 27.

(8) 15 Law J. Rep. (N.S.) M.C. 65.

(9) 14 Law J. Rep. (N.S.) M.C. 8.

(10) 8 Term Rep. 620.

(11) 2 Q.B. Rep. 331.

(12) 8 Mod. 271.

(13) 13 Law J. Rep. (N.S.) M.C. 75.

resided forty days in the appellant parish, to which she is removed upon a birth settlement, raises a question, which was settled from the moment of the passing of the statute 13 & 14 Car. 2. c. 12. The preamble to that statute recites, that "whereas, by reason of some defects in the law, poor people are not restrained from going from one parish to another, and therefore do endeavour to settle themselves in those parishes where there is the most stock," &c., and then gives power to any Justice, "within forty days after any such person coming to settle as aforesaid . . . by their warrant to remove such person to such parish where he was last legally settled, either as a native, householder, sojourner, apprentice, or servant, for the space of forty days at the least," &c. The statute seems to me to recite and infer that the legal settlement may be as a native. The state of the law at the time the statute of Charles passed is important, for it must have been understood and contemplated by those who framed that statute; and all the previous statutes on the subject direct poor persons to go to the place where they were born. Birth has, of itself, conferred a settlement both before and after the statute of Charles; and no necessity ever was dreamt of, for appending to the acquirement of such a settlement, a residence of forty days in the parish. The traditional view of the case is fully warranted by the language of the statute. The third objection, raised by the third and fourth grounds of appeal, is, that the examinations shew no settlement of the husband in the appellant parish, and no proof that it is unknown. We decided, in *The Queen v. the Churchwardens of Birmingham*, the authority of which is not questioned, that it is not necessary to inquire into the settlement of the husband, before removing a woman to her maiden settlement. Mr. Pashley raises an ingenious argument, that as Maria Lewis is described as the widow of James Lewis, the order of removal is some evidence of the husband's settlement. Perhaps such an argument may be met by an answer equally refined: that if it be evidence of the husband's settlement, it raises the presumption that he was settled in the appellant parish; for, if not, both parties would be equally interested in ascertaining his settlement elsewhere, and it would not have been worth while for the appellants to dispute the pre-

sent order, for the purpose of shewing that the husband's settlement was in their parish. But, without resorting to any such answer, it is sufficient to say, that the inference suggested cannot be drawn from the mere circumstance that she is described as a widow, and removed to Watford. There is no evidence of the husband's settlement; none was necessary: the wife's was ascertained without contradiction, and that was sufficient to justify her removal to it. The last objection is, that the complaint was not made by parish officers having authority. Now the act says, that the complaint may be made "by the churchwardens or overseers." It is quite clear either one or the other may do it; and we need not therefore make inquiry, whether the overseers, who did make it, had the authority of the churchwardens or not.

COLERIDGE, J. and WIGHTMAN, J. concurred.

ERLE, J.—If it had been requisite, I should have wished to have it considered, whether a complaint "by the overseers" would not include and imply a complaint by the churchwardens also.

Order confirmed.

1846. }
Nov. 24, 25. } *In re VAN BOVEN.*

Conviction — Negating Exceptions in Statute—8 & 9 Vict. c. 87.—Smuggling.

Stat. 8 & 9 Vict. c. 87. s. 2. enacts, that if any foreign vessel shall be found to have been within one league of the coast of the United Kingdom, having on board certain articles, the said articles and the vessel shall be forfeited. Sect. 4. enacts, that "nothing herein contained shall extend to render any vessel liable to forfeiture, if really bound from one foreign port to another, and pursuing such voyage, wind and weather permitting." By section 50, every person, not being a subject of her Majesty, who shall be found on board any vessel liable to forfeiture within one league of the coast of the United Kingdom, is made liable to summary conviction and imprisonment:—Held, by Coleridge, J. and Erle, J. (Lord Denman, C.J. dubitante) that a commitment under the 50th

section describing the offence in the words of the 2nd section, was sufficient, without negativing the exception in the 4th section.

Held, also, that a conviction in other respects sufficient is not vitiated by the detainer of the defendant for an unreasonable time before the hearing of the information against him.

A writ of *habeas corpus* had issued from this Court, directed to the gaoler of the house of correction at Louth, to bring up the body of James Van Boven, who was detained in the custody of the said gaoler under the following warrant of commitment, dated September 1, 1845 :—

“Borough of Grimsby. Parts of Lindsey, county of Lincoln.—To James Watt, an officer of customs, and to John Joseph Brian, the gaoler of the house of correction at Louth, at &c. Whereas James Van Boven has this day been duly convicted before us William Brooks, Esq. Mayor, Thomas Bell and Charles Percival Loft, Esqrs., three of her Majesty's Justices of the Peace in and for the said borough of Grimsby, in the said parts of Lindsey and county of Lincoln, upon the information of Samuel Mayor, Esq., an officer of customs, who was directed by the Commissioners of her Majesty's Customs to prefer the same, for that within six months now last past, that is to say, on the 19th day of August, in the year of our Lord 1846, he, the said J. Van Boven not being a subject of her Majesty, and being liable to be detained for the offence therein mentioned, was found upon the high seas within one league of the coast of the United Kingdom, to wit, within one league of the coast of the county of Lincoln, on board a certain vessel, then and there liable to forfeiture under the provisions of a certain act relating to the customs made and passed in the year of our Lord 1845, intituled ‘An act for the prevention of smuggling,’ for that the said vessel, being a foreign vessel, was on the said 19th day of August in the said year of our Lord 1846, found on the high seas aforesaid, within one league of the coast of the United Kingdom, to wit, within one league of the coast of the county of Lincoln, the said vessel then and there having on board, whilst the said vessel was within the space of one league from the said

coast, and whilst the said J. Van Boven was on board thereof, divers, to wit, 2688 pounds weight of tobacco stalks, contrary to the provisions of the statute in that case made and provided. And, whereas, the said J. Van Boven was, on the day and year last aforesaid, for the offence aforesaid, detained by one James Watt, being then and there an officer of customs, and by him taken, brought and carried into a certain place on land, in the United Kingdom, to wit, into the parish of Great Grimsby, in the said borough of Grimsby, in the said parts of Lindsey, in the said county of Lincoln. And whereas we, the said Justices, did adjudge that the said J. Van Boven should for his said offence be imprisoned in the house of correction at Louth, in the parts and county aforesaid, and be there kept to hard labour for the term of six calendar months; these are, therefore, to require you, the said J. Watt, forthwith to take, carry, and convey the said J. Van Boven to the house of correction at Louth, in the said parts of Lindsey, in the said county of Lincoln, and to deliver him into the hands of the gaoler or keeper of the said house of correction; and we, the said Justices, do hereby authorize and require you, the said John Joseph Brian, the gaoler or keeper of the said house of correction, to receive and take the said J. Van Boven into your custody, and to keep the said J. Van Boven for the term of six calendar months to hard labour.”

The statute 8 & 9 Vict. c. 87, upon which the conviction, authorizing the commitment, proceeded, contains the following provisions. By section 2, it is enacted “that if any vessel not being square-rigged, &c. . . . or if any foreign vessel or boat, shall be found or discovered to have been within one league of the coast of the United Kingdom, &c., any such vessel or boat so found or discovered, having on board, or in any manner attached thereto, or conveying any spirits . . . or any tobacco stalks, then and in every such case the said . . . tobacco stalks . . . and also the vessel or boat shall be forfeited.” Section 4. provides, “that nothing herein contained shall extend to render any vessel of the burden of a hundred and twenty tons or upwards, liable to forfeiture on account of any tobacco or snuff coming direct from the East Indies, &c. &c. . . . nor to render any vessel liable to

forfeiture, on account of any spirits, tea, or tobacco, really intended for the consumption of the seamen and passengers on board during their voyage, and not being more in quantity than is necessary for that purpose, nor to render any vessel liable to forfeiture if really bound from one foreign port to another foreign port, and pursuing such voyage, wind and weather permitting."

Section 50. enacts, "That every person being a subject of her Majesty who shall be found or discovered to have been on board any vessel or boat liable to forfeiture under this or any act relating to the customs, for being found or discovered to have been within any of the distances in this act mentioned, from the United Kingdom, or from the Isle of Man, having on board, or in any manner attached thereto, or conveying or having conveyed in any manner such goods or things as subject such vessel or boat to forfeiture, or who shall be found or discovered to have been within any such distances as aforesaid, on board any vessel or boat from which any part of the cargo or lading of such vessel or boat shall have been thrown overboard, or staved, or destroyed, to prevent seizure, and every person not being a subject of her Majesty, who shall be found or discovered to have been on board any vessel or boat liable to forfeiture for any of the causes last aforesaid, and within one league of the coast of the United Kingdom, or of the Isle of Man, shall, upon being duly convicted of any of the said offences before any two Justices of the Peace, be adjudged by such Justices for the first of such offences, to be imprisoned in any house of correction, and there kept to hard labour for any term not less than six months; and it shall be lawful for any officer of customs, and he is hereby authorized to detain every such person, and to take such person before any Justice of the Peace in the United Kingdom, to be dealt with as hereinafter directed."

Section 58, which recites that it is expedient that time should be allowed to obtain the order of the Commissioners of Customs or Excise, and also to prepare informations, convictions, and warrants of commitment, enacts, "That when any person shall have been detained by any officer of Customs for any offence against the act, and shall have been taken before any Jus-

tice of the Peace, if it shall appear to such Justice that there is reasonable cause to detain such person, such Justice may order such person to be detained a reasonable time, and at the expiration of such time to be brought before any two Justices of the Peace, who are hereby authorized and required finally to hear and determine the matter."

Section 103. enacts, "That every information, conviction, or warrant of commitment, for any offence committed against the act, shall be deemed valid and sufficient, in which the offence for the punishment shall have been inflicted is set forth in the words of the act; . . . and that no warrant of commitment for any such offence shall be held void by reason of any defect in such warrant; nor shall any party be entitled to be discharged out of custody, on account of any such defect, provided it be alleged in such warrant that the said party has been convicted of such an offence, and provided it shall appear to the Court or Judge before whom such warrant is returned that such conviction proceeded upon good and valid grounds."

Section 107. gives a general form (as set out in the schedule) for all warrants of commitment founded upon such convictions, and directs that in such form the offence shall be stated.

Lush, in moving for the rule, urged, first, that the warrant of commitment was bad on the face of it, in not shewing any offence committed by the prisoner, inasmuch as it did not negative the fact, which, by the 4th section, would exempt the vessel from forfeiture—viz., that she was "bound from one foreign port to another foreign port, and pursuing such voyage, wind and weather permitting." He relied, also, upon affidavits which disclosed the following facts:—The prisoner, with two other persons, Gram and Corwelyn, was taken into custody on board the vessel in question by an officer of the Customs, on the 19th of August. They were brought before certain Magistrates of the borough of Great Grimsby on the 21st of August, and by them remanded until the 31st of August. On that day they were brought up for examination, and the evidence in support of the charge against Gram having been gone into, he was convicted. Immediately after Gram's conviction, about half-past

one in the day, and before the other prisoners had pleaded to the informations, the Magistrates, upon the ground that one of their number had an engagement elsewhere, postponed the hearing of the charges against Van Boven and Corwelyn until the following day, after protest on behalf of the prisoners against such a postponement. On the following day (September 1st) the same Magistrates heard and adjudicated on the case of Van Boven. This detention, it was now contended, was illegal, not being warranted by the 58th section: and, consequently, that no good conviction or commitment could be grounded upon it.

Sir J. Jervis (Attorney General), Sir D. Dundas (Solicitor General), and E. Lawes, shewed cause (November 24).—First, the conviction upon which this warrant of commitment was founded describes the offence in the same terms as the warrant, and follows the words of the statute; and further, the depositions (verified by affidavit), taken before the Magistrates at the hearing of this charge, shew that there is no pretence, in fact, for the suggestion that the vessel in question was within the exemption mentioned in the 4th section, the prisoner having been taken, in the vessel close to the shore, in the act of smuggling. The provisions of the 103rd section, therefore, furnish an answer to this application. Secondly, it was not necessary that the information, the conviction, or the warrant of commitment should negative the exceptions contained in the 4th section. The offence is complete if described in the words of the 2nd section. The 4th section contains altogether independent and substantive provisions, which it was for the defendant to have pleaded, and availed himself of, if possible. The general rule on this subject is correctly stated in *Burn's Justice*, tit. 'Conviction.' "It has been said, 'that a conviction on a penal statute ought expressly to shew that the defendant is not within any of its provisions; for, since no plea can be admitted to such a conviction, and the defendant can have no remedy against it, but from an exception to some defect appearing on the face of it, and all the proceedings are in a summary manner, it is but reasonable that such a conviction should have the highest certainty, and satisfy the Court that

the defendant had no such matter in his favour as the statute itself allows him to plead"—2 *Hawk. c. 25. s. 113*. But this is to be understood with the following limitation, that where the enacting clause of a statute constitutes an act to be an offence under certain circumstances, and not under others, then, as the act is an offence only *sub modo*, the particular exceptions must be expressly specified and negatived; but where a statute constitutes an act to be an offence generally, and in a subsequent clause makes a proviso or exception in favour of particular cases, or in the same clause, but not in the enacting part of it, by words of reference or otherwise, makes such proviso or exception, there the proviso is a matter of defence or excuse, which could not be noticed in the information" (1)—*Thibault v. Gibson* (2). Lastly, the alleged detention for an unreasonable time may possibly make the Magistrates trespassers, but it cannot operate so as to take away their jurisdiction and invalidate their proceedings.

Lush, contra.—First, neither the conviction nor the depositions can be looked at by the Court, for the purpose of supporting this commitment, under which alone the prisoner is detained—*The Queen v. Chaney* (3). And the 103rd section does not aid the prosecutors, because, secondly, the commitment itself does not state an offence—*The Queen v. King* (4). The 4th section is not in the nature of a proviso, but must be incorporated and read with the 2nd section. If there be in a statute inflicting a penalty, a proviso exempting certain persons, a defendant relying on such exemption must plead and prove it; but where the statute says, that under certain circumstances, the act done shall not constitute an offence, a conviction must negative such circumstances, or it shews no offence—*Spieres v. Parker* (5), *Fletcher v. Callthorp* (6), *In re Turner* (7).

(1) See *Burn's Justice*, vol. 1. p. 972, edit. 1845, and the cases there cited.

(2) 12 *Mee. & Wels.* 88; *a. c.* 13 *Law J. Rep.* (N.S.) *Exch.* 2.

(3) 6 *Dowl. P.C.* 280; *a. c.* 7 *Law J. Rep.* (N.S.) *M.C.* 66.

(4) 1 *Dowl. & L.* 725; *a. c.* 13 *Law J. Rep.* (N.S.) *M.C.* 43.

(5) 1 *Term Rep.* 144.

(6) 14 *Law J. Rep.* (N.S.) *M.C.* 49.

(7) 15 *Law J. Rep.* (N.S.) *M.C.* 140.

Lastly, assuming that the detention from the 19th to the 31st of August was lawful under the 58th section, for the purposes mentioned in the preamble to that section, the remand from the 31st of August to the 1st of September was illegal, and no proceeding could be engrafted on it—*The Attorney General v. Dorkings* (8).

[ERLE, J.—That was a case where a party was illegally arrested, and while in custody civil process was served upon him. You assume that the whole power of the Justices here is under the 8 & 9 Vict. c. 89; but they needed no statutory power to justify his detention or remand; the common law gives them the power, if it be necessary.]

Cur. adv. vult.

On the following day (Nov. 25) their Lordships delivered their opinions *seriatim*.

LORD DENMAN, C.J.—My Brothers are of opinion, that the prisoner should be remanded; but I ought to mention that I entertain great doubts as to the goodness of the warrant—[His Lordship stated the warrant.]. The contention on the part of the prisoner was, that although the words of the commitment follow the very words of the statute (which they do), yet they disclose no offence; and on this point I certainly entertain considerable doubt, the circumstance of a foreigner being on board a vessel within a certain distance from the shore being an act innocent in itself. There might be circumstances, such as stress of weather, as well as those enumerated in the 4th section of the act under which it would have been no offence at all to have been found where the prisoner was; and I think, on general principles, that where an act done is in itself indifferent, the statement of circumstances making it an offence should be complete. I admit that in general, where an exception is contained in a different section from that which imposes the penalty, the party charged must shew that he is within the exception, but I doubt whether this rule applies where the act is innocent in itself. I am aware that it may have been the intention of the legislature to make the act the guilty act, and to put it

upon the party charged to shew the excuse, and I am also aware that it is very inconvenient to load a conviction with numerous exceptions. At the same time, I cannot but think it necessary that we should see that the large powers given by this statute, accompanied, as they are, by rewards to officers acting under them, should not be exceeded. In saying this I merely state a doubt, and do not wish to be understood as giving a final opinion.

COLERIDGE, J.—This is a commitment under the 50th section of 8 & 9 Vict. c. 87; and the first question is, whether the exceptions to the operation of the act, which are contained in the 4th section, ought to have been negatived. The prisoner is found on board a foreign vessel, having tobacco stalks on board: she becomes thereby liable to forfeiture under the 2nd section. The exceptions in question are not referred to by the enacting section; but the section containing them is in the nature of a limitation upon it, declaring that nothing therein contained shall extend to vessels under the circumstances, which it goes on to specify. The general rule respecting the framing of commitments and convictions in this respect is well known, and was not questioned in the argument; and I think no distinction arises to take this case out of its operation, from the particular wording of the 4th section. It is in substance a distinct and independent clause of exceptions; and, therefore, it would properly be for the prisoner to bring himself within it by way of defence. But, for the prisoner, it was argued that the general rule did not apply, where the excepting clause did not create personal exemptions, but introduced limitations or modifications into the definition of the offence: that it was essential for the conviction or commitment fully to state all circumstances constituting an offence; and that here no offence was stated, because it could not be contended that, merely for being within a league of our coast, with tobacco stalks on board, every foreign vessel was liable to forfeiture. *In re Turner*, and the cases there cited, were relied on. This case, however, as it seems to me, is distinguishable. Supposing that there was no such clause in the act as the 4th section, it might seem a strong thing for the legislature to have passed

such an act; but it could not have been contended here that a vessel brought within its terms was not also within its penalty. It is clear, therefore, that, *prima facie*, an offence is stated. But an observation arises upon the enacting section in this case, which furnishes a strong argument against the prisoner, viz. that, in the body of it, several exceptions are in terms introduced, which it clearly would be necessary to negative. When we find these thus separated from those in the 4th section, it seems to follow that it was intended to leave the latter as matter of defence, and that the exclusion of them in the first instance is not necessary to constitute the offence. It is to be remembered further that this offence is under the 50th section, and that speaks of a vessel "liable to forfeiture," not, generally, "under this act," but, "for any of the causes last aforesaid." Now these are the causes specifically mentioned in the earlier parts of the section, which are complete in themselves, and do not at all include or refer to the modifications or exceptions in the 4th section. No practical hardship is hereby cast upon the prisoner: he must have known better than any one the particular excusing circumstances, if any, under which his vessel, or he himself, was found within the prohibited distance; whereas, if the informant were bound to negative one, he must negative all the exceptions in the 4th section, and of course offer some evidence of the truth of the allegation. This would extend to many circumstances wholly irrelevant, of which too none would be likely to be within his cognizance. It appears to me that these circumstances, without having recourse to the 103rd section, are sufficient to dispose of this objection, and that this case is clearly distinguishable from those cited in the argument. The second objection, I think, received a satisfactory answer at the bar. The objection is founded on the notion that the Justices had all their power to hear the complaint under the 58th section; that this was a special power, and had not been regularly acted on. I think that clause does not give the jurisdiction, but merely, and perhaps *ex abundanti cautela*, gives a power of detainer for the particular purpose there mentioned, of obtaining the order of the Commissioners of Customs. The jurisdiction of the Justices

is given to them as such, under the 50th section. Whether there has been an illegal detainer, or whether the Magistrates properly or improperly remanded the prisoner from the 31st of August, is immaterial to this conviction, and upon these questions I say nothing. The Justices still had their jurisdiction to hear and determine the offence when they did. I think, therefore, that the prisoner should be remanded.

ERLE, J. (8)—I fully concur with my Brother Coleridge, and would only add, that, where one section of an act of parliament creates an offence, and another section gives certain exceptions, it seems to me very important that we should set it down as a rule that the exceptions need not be negated by the party prosecuting.

Prisoner remanded.

1846.* } A. R. HAMILTON v. THE QUEEN.

Indictment, Sufficiency of—False Pretences.

An indictment which alleged that A. R. H., intending to defraud J. W., falsely pretended that he was a captain in the 5th Dragoons, by means of which false pretence he obtained from J. W. a valuable security, &c., whereas the said A. R. H. was not, at the time of the making such false pretence, a captain in the 5th Dragoons:—Held, good on writ of error.

The prisoner was convicted at the Central Criminal Court on the second count of the indictment, which stated, that the said A. R. Hamilton, being an evil disposed person, and contriving and intending to cheat and defraud James Wood, to wit, on, &c., unlawfully, knowingly, and designedly, did falsely pretend to the said J. Wood that he, the said A. R. Hamilton, then was a captain in Her Majesty's 5th regiment of Dragoon Guards, by means of which said last-mentioned false pretence the said A. R. Hamilton did then and there, unlawfully, knowingly, and designedly, obtain of and from the said J. Wood a certain valuable security, to wit, an order for the payment

(8) Wightman, J. was absent.

* This case was decided in Trinity term, 1846.

of the sum of 500*l.* of lawful money of Great Britain, and of the value of 500*l.*, the property of the said J. Wood, with intent then and there to defraud him, the said J. Wood, of the same: whereas, in truth and in fact, the said A. R. Hamilton was not, at the time of the making such last-mentioned false pretence as aforesaid, a captain in her said Majesty's 5th regiment, and the said A. R. Hamilton, at the time of making such last-mentioned false pretence as aforesaid, well knew that he was not a captain in her said Majesty's said regiment, to the great damage and deception of the said J. Wood, to the evil example, &c., and against the peace, &c., and against the form of the statute, &c. A writ of error was brought, and the errors assigned were, that it did not appear that the false pretence was made with the intention of obtaining the valuable security in the second count mentioned; that the means by which it was obtained were not sufficiently and legally set out and specified; that the pretence was not sufficient in law to support the charge, and was not shewn to be false by legal and sufficient allegation; and that it was not shewn that any money was due or secured or remaining unsatisfied on the security alleged to have been obtained.

Ballantine, for the plaintiff in error.—First, there is nothing to shew any intent to get by the pretence the security which was really obtained. It might be, that a person intending to get one thing, in reality got another, by the pretence made by him—*The Queen v. Young* (1), *The King v. Wakeling* (2). The statute 7 & 8 Geo. 4. c. 29. s. 53, on which the indictment is framed, is *in pari materia* with the statute 30 Geo. 2. c. 24. s. 1. Secondly, the pretence must be relevant to the thing intended to be procured by the pretence, and its relevancy must appear on the face of the indictment. A bare lie is not a false pretence; and there is no introductory averment to explain why a person pretending to be a captain in the Dragoon Guards should by that means get money or a valuable security. The Court will not take judicial

notice of the military rank of a captain; and it is just as if the indictment had alleged that the prisoner had pretended that his name was John Styles, without explaining why the fact of his name being John Styles should at all induce the prosecutor to advance money, &c.

Indictments under this statute should be construed with the same strictness as indictments for perjury—*The King v. Perrott* (3), *The King v. Airey* (4), *The King v. Wiltchell* (5.)

[PATTESON, J.—The jury might find that the situation of captain of dragoons was one the holding of which induced the prosecutor to part with his money. Suppose the indictment had alleged that the prisoner, “contriving, &c., by means of the false pretence hereinafter alleged,” that would not have carried the matter any further.]

In *The Queen v. Tully* (6) a pretence by the prisoner that he had been sent by A. B. to the shop of C. for a pair of shoes, by which pretence (being false) he obtained the shoes for A. B. was held not to be within the statute. In *The King v. Reed* (7), a false statement as to the weight of coals, though it was alleged that the prisoner, by the false pretence defrauded the prosecutor, was held insufficient; and this is consistent with *The Queen v. Wickham* (8). The materiality of the pretence must be shewn. A person might pretend that he was an F.R.S. with a view of getting up a railway company, and he might be afterwards trusted with goods by a tradesman on the faith of his being an F.R.S. The word “then” is also ambiguous—*Stead v. Poyer* (9).

C. Clark, contra.

[LORD DENMAN, C.J.—What do you say as to the error assigned in respect of money not being alleged to be due on the security?]

No such allegation is ever introduced in indictments on this statute—*The King v. Crossly* (10). (He was then stopped.)

(3) 2 Mau. & Selw. 379.

(4) 2 East, 30.

(5) 2 Ibid. P.C. 830.

(6) 9 Car. & Pay. 227.

(7) 7 Ibid. 848.

(8) 10 Ad. & El. 34; s.c. 8 Law J. Rep. (N.S.) M.C. 87.

(9) 14 Law J. Rep. (N.S.) C.P. 251.

(10) 2 Man. & Ry. 280, n.

(1) 3 Term Rep. 98.

(2) Russ. & Ry. 504.

LORD DENMAN, C.J.—I think that none of the objections are sustainable; and, indeed, it is very difficult, on reading the indictment, to see how any doubt can arise. Then we must look at the errors assigned: the first is, that it does not appear that the pretence was made with the intention of obtaining the security, &c.; but if it was proved as matter of fact, that the false pretence was made with a view of getting that or any particular thing, I do not see any objection to the mode of stating it: and even suppose the prisoner had gone to a shop with a view of getting one thing, and, in the course of the transaction, got another, I am not sure that this form of allegation would not be sufficient. Then, secondly, as to the means which it is said are not sufficiently or (what is the same thing) legally set out. Many modes by which the representation might have induced the prosecutor to part with the security might be imagined; the prisoner might know that the prosecutor knew a captain in the 5th Dragoons of the name of Hamilton, or he might have to pay a person of that name a sum of money; and the only necessary circumstance might be that he should be a captain in the 5th Dragoons. Then, it is said, that the pretence is not shewn to be false by legal and sufficient allegation. Why not? It is said in plain terms that it was false, and the indictment, in using the term "valuable security" follows the words of the statute.

PATTESON, J.—I am of the same opinion. The 7 Geo. 4. c. 64. s. 21, which provides, that, for an offence created by statute, an indictment shall, after verdict, be held sufficient, if it follows the words of the statute, may, perhaps, apply as well to the first objection as to the last. It clearly applies to the objection as to the sufficiency of the words "valuable security." But I cannot see any ground of error whatever. We cannot take it that there was any other pretence besides that which is alleged; and that pretence cannot be said to be one which, in point of law, would not have induced the prosecutor to part with his money, though it may not have been likely to have done so. At all events, I do not see what more could have been alleged. It would have been ridiculous to aver that a captain in the Dragoons was a person likely to get credit,

&c. The common form is to say that the party did make use of the pretence, &c., with intent to defraud. Here, it is further said, that the prisoner, contriving, &c., did, by means of the pretence, defraud, &c. As to the word "then," we cannot read the indictment without referring to the time when the representation was made. Of course, the word "then" would not be used by him; he would say, "I am," or "I am now;" and the negative averment exactly hits the allegation.

WILLIAMS, J.—It appears to be admitted that the false pretence, as it stands, might be free from objection; if so, the greater part of the argument on behalf of the prisoner is disposed of, and no case has been quoted at all supporting the objection now attempted to be raised, as to the want of prefatory averments. On the contrary, in the case of *The Queen v. Young*, which he first cited, there were many very ingenious objections taken, but this was not one of them. The allegation is, that the prisoner did get the valuable security by a false pretence, having an intention to defraud: that satisfies the words of the statute. The objection as to the time is not even pointed out as a ground of error.

Judgment affirmed.

1846. } THE QUEEN v. THE INHABIT-
Nov. 14; } ANTS OF ST. PAUL'S, COVENT
Dec. 17. } GARDEN.

Order of Removal—Jurisdiction of Justices—Statement of Inhabitaney.

An order of removal recited a complaint "made unto us, two of her Majesty's Justices acting in and for the county of, &c., that the pauper "intruded and came into the parish of M, and hath actually become chargeable to, and is now inhabiting in the same parish." After adjudicating the settlement, the order directed the removal of the pauper "on sight hereof."—Held, that it sufficiently appeared that the complaint was made to the Justices, and the order made by them within their jurisdiction.

That the order was not bad for not directing the removal "on sight hereof."

And lastly, that the statement of the inhabitaney of the pauper was sufficient to jus-

tify the order of removal, under the statute 35 Geo. 3. c. 101.

On appeal against an order of two Justices for the removal of Ann Sheridan from the parish of St. Mary-le-bone to the parish of St. Paul, Covent Garden, both in the county of Middlesex, the Sessions confirmed the order, subject to the opinion of the Court on a case, the material parts of which were as follows:—The order of removal appealed against was, as follows:—"To the churchwardens and overseers of the poor of the parish of St. Mary-le-bone, in the county of Middlesex, and to the churchwardens and overseers of the poor of the parish of St. Paul, Covent Garden, in the liberty of Westminster, in the county of Middlesex, and to each and every of them.—Middlesex, to wit.—Whereas complaint hath been made unto us, two of her Majesty's Justices of the Peace acting in and for the county of Middlesex, by the churchwardens and overseers of the poor of the said parish of St. Mary-le-bone, that Ann Sheridan, single woman, aged sixty-four, intruded and came unto the said parish of St. Mary-le-bone, and hath actually become chargeable to, and is now inhabiting in the same parish; upon examination of the premises upon oath and other circumstances, we do adjudge the same to be true, and do also adjudge the place of the last legal settlement of the said Ann Sheridan to be in the said parish of St. Paul, Covent Garden, in the liberty of Westminster, in the said county of Middlesex. These are therefore in her Majesty's name to require you, the said churchwardens and overseers of the poor of the said parish of St. Mary-le-bone, on sight hereof to remove and convey the said Ann Sheridan from out of your parish of St. Mary-le-bone to the said parish of St. Paul, Covent Garden, and her deliver unto the churchwardens and overseers of the poor there, or to some or one of them, together with this our order, or a true copy thereof, who are hereby required to receive and provide for her according to law. Given under our hands and seals, this 26th day of November 1844. E. Elliott (L.S.), James John Hamilton (L.S.)"

Among other grounds of appeal was the following:—That the said order of removal is bad, defective, and insufficient on the face thereof.

The objections stated, at the trial of the appeal, as to the order were, that the jurisdiction of the Justices was not sufficiently shewn, and that the order was illegal in requiring the churchwardens and overseers of St. Mary-le-bone to remove on sight thereof. The objections were overruled, and the Sessions confirmed the order. If this Court should think the order bad on the face thereof, the order of Sessions was to be quashed, otherwise to stand affirmed.

[The case also stated various objections which were raised to the examinations, and overruled by the Sessions: but these objections were abandoned on the argument of the case.]

Carrington, in support of the order of Sessions.—It is objected, first, that it does not appear that the Justices were Justices of the county, because they are stated to be "acting in and for the county." But the word "acting" does not refer to the word "for" at all. They are Justices for the county, and acting in it. Secondly, it is said, that it does not appear that the order was made within the jurisdiction of the Justices. But the order states the complaint to have been made to them in their jurisdiction, and it is not to be assumed that the Justices after hearing the complaint went out of their jurisdiction before making the order—*The Queen v. the Recorder of King's Lynn* (1). Thirdly, as to the objection that the order is to remove "on sight hereof." It is contended, that as the respondent parish was bound to wait twenty-one days before removing the pauper, that qualification should have been introduced into the order. But this was unnecessary, and would have made the order bad—*The Queen v. Blathwayt* (2). The general order was held sufficient in *The Queen v. Rotherham* (3), and the words "on sight hereof" may be rejected as surplusage. Lastly, it is objected that it does not appear that the pauper had come to settle in the respondent parish. It states that she had intruded "and is now inhabiting." In *The Queen v. the Recorder of King's Lynn* the order was held sufficient, though it stated only that the paupers

(1) 15 Law J. Rep. (N.S.) M.C. 93.

(2) Ibid. 48.

(3) 8 Q.B. Rep. 776; s. c. 12 Law J. Rep. (N.S.) M.C. 17.

"now inhabit," without the allegation that they had intruded. In *The Queen v. Willatts* (4) there was merely a statement that the paupers had intruded and become chargeable, without any statement that they were inhabiting.

Pashley, contra.—First, a statement that Justices are *acting* in and for a county, states evidence only, and does not shew their jurisdiction. In *The Queen v. Blathwayt* an order similar to the present was admitted to be defective. Secondly, it ought distinctly to appear that the order was made within the local limits of the jurisdiction of the Justices. *The Queen v. Stockton-upon-Tees* (5) is the converse of the present case; there, the statement of the complaint was held to be insufficient, because it did not appear to be made to Justices in their jurisdiction, although the order made upon the complaint was properly made within their jurisdiction.

[COLERIDGE, J.—That order did not contain the word "in."]

Thirdly, the words "at sight hereof" vitiate the order. Lastly, the principal objection to it is, that it does not shew a coming to inhabit. The term "inhabitant" by itself has no definite meaning—*The King v. Mashiter* (6).

[ERLE, J.—That is to say, it has several definite meanings.]

The question is, whether the Court is bound to construe it in such a sense as to confer jurisdiction? This order certainly shews that the pauper intruded; but that is not sufficient—*The Queen v. Willatts*. The mere statement of inhabiting does not carry the matter any further, and nothing can be taken by intendment in such a case—*The Queen v. the Justices of the West Riding, (Drighlington v. Pudsey)* (7), *The King v. Ditchet* (8), *The King v. Hulcott* (9), *Christie v. Unwin* (10), *Day v. Ring* (11), *Brancher*

(4) 14 Law J. Rep. (N.S.) M.C. 157.

(5) *Ibid.* 128.

(6) 6 Ad. & El. 153; s. c. 6 Law J. Rep. (N.S.) K.B. 121.

(7) 2 Q.B. Rep. 505; s. c. 11 Law J. Rep. (N.S.) M.C. 80.

(8) 9 B. & C. 176; s. c. 7 Law J. Rep. M.C. 110.

(9) 6 Term Rep. 583.

(10) 11 Ad. & El. 373; s. c. 9 Law J. Rep. (N.S.) Q.B. 47.

(11) 5 *Ibid.* 359; s. c. 5 Law J. Rep. (N.S.) M.C. 130.

v. Molyneux (12), *The Queen v. David Smith* (13).

[COLERIDGE, J.—There was a similar form of order in *The Queen v. the Recorder of King's Lynn*.]

There is nothing to shew that the pauper came into the removing parish *animo morandi*—*The King v. St. James, in Bury St. Edmund's* (14), *The King v. St. Lawrence, Ludlow* (15), *The King v. Woolpit* (16). The intention is the gist of the act—*Robertson v. Liddell* (17).

[ERLE, J.—You are arguing on the effect of stat. 13 & 14 Car. 2. c. 12; but that statute is qualified by stat. 35 Geo. 3. c. 101.]

That statute only regulated and restricted the power of removal given by the former statute; but conferred no new power—*The King v. Aloeley* (18), *The King v. St. Lawrence, Ludlow*. In *The Queen v. Rotherham*, the order shewed a coming to inhabit. Either the coming to inhabit or the coming with an endeavour to settle should be distinctly shewn in order to give jurisdiction.

LORD DENMAN, C.J.—The first three objections are too trivial to require any comment. As to the other,

Cur. adv. vult.

The judgment of the Court was now delivered by—

LORD DENMAN, C.J.—In this case we took time to consider a single point; namely, whether the order of removal in stating the complaint before the Justices, alleged all the circumstances necessary to give them jurisdiction. The words on which the question arises are these: "that Ann Sheridan, single woman, aged sixty-four, intruded and came into the said parish of St. Marylebone, and hath actually become chargeable to, and is now inhabiting in the same parish." It is objected that the words contain no statement of the pauper having come into the parish with the intention of there settling or inhabiting; and it is contended that the

(12) 1 Man. & Gr. 710; s. c. 10 Law J. Rep. (N.S.) C.P. 310.

(13) 15 Law J. Rep. (N.S.) M.C. 41.

(14) 10 East, 25.

(15) 4 B. & Ald. 660.

(16) 4 Ad. & El. 205; s. c. 5 Law J. Rep. (N.S.) M.C. 14.

(17) 9 East, 487.

(18) 3 *Ibid.* 563.

words "come to settle," or "come to inhabit," or words unequivocally expressive of such intention, are necessary. We consider it to have been completely established ever since the case of *The King v. St. James, Bury St. Edmunds*, that no pauper is removable from a parish unless he is there as an inhabitant, or come there to settle or to inhabit,—the words "settle and inhabit" being for this purpose convertible terms; neither of them importing the acquisition of a legal settlement, or an intention of permanent residence. The purpose may be temporary, but still there must be the purpose at least of remaining, as distinguished from that of merely visiting, or passing through the place. The particular mischief against which the 13 & 14 Car. 2. c. 12. provided the remedy of removal was that of persons endeavouring to settle themselves, in this limited and temporary sense of the word, and the remedy having been found to produce injurious consequences, which the certificate system introduced by the 8 & 9 Will. 3. had not prevented, the 35 Geo. 3. was passed to prevent the removal of such persons until they should become actually chargeable, encouraging thereby the free change of abode among the labouring classes, and limiting the power of Magistrates as to their removal. What we have now stated has been very generally understood, and the forms of orders of removal which are given in the best books on the subject, contain an allegation that the paupers have come to settle or to inhabit. The present order wants these words, and it is argued either that we ought to allow of no equivalents, or that none are to be found in it. We feel all the inconvenience of substituting for terms commonly used, and having acquired a well known meaning, any others supposed to be of equal force; it leads, as in the present case, to uncertainty, litigation, and expense. At the same time, where the terms omitted are not terms of art, exclusively appropriated to express the legal idea, and where no statute prescribes any particular form in which the power it gives is to be exercised, we have no authority to prescribe the terms, or limit the form so strictly as the objection requires. We are bound, however, to see that the terms used clearly state all that is necessary to give the jurisdiction, and whether that is done in the present case will mainly depend

on the language of the statute 35 Geo. 3. c. 101. s. 1, under which it is that Magistrates now exercise the power of removal originally given by the statute of Charles. That statute first repeals so much of the statute last named as enables Justices to remove any person likely to become chargeable to the parish in which he shall come to inhabit; and then enacts that no poor person shall be removed from the parish where he shall be inhabiting to the place of his last legal settlement, until he shall have become actually chargeable to the parish in which he shall then inhabit, in which case two Justices are thereby empowered to remove him. The power to remove to the place of last legal settlement therefore is expressly given upon these two conditions only—that a person be inhabiting in a parish and be actually chargeable. Nothing is said of the purpose with which the residence first commenced. Whether in any case a person is inhabiting or not, the Justices have the jurisdiction in the first place to determine. The case to which we have referred clearly points out what are the requisites to constitute inhabitancy within the meaning of the statute, and, at all events, we are not to inquire at present whether they have rightly determined in the present case. It is obvious, however, that this is a much more rational inquiry than that which the objection would substitute. To inquire with what intention a person first entered a parish, must be very idle, except as that intention is collected from his acts. If those shew that he is of his own choice, that is, without the restraint of sickness or imprisonment, residing or preparing to reside there permanently,—in other words, if he is inhabiting there,—it ought to be taken for the purposes of removal that he came to inhabit; and there may be a good reason why, as we have noticed, the statute says nothing of the purpose, departing in this respect from the language of the statute of Charles. That statute contemplated removals of persons likely to be chargeable within forty days after their coming into the parish;—the coming was recent, the actual purpose more easily ascertained;—the statute of George allows of no removal until actual chargeableness, and therefore supposes removal more commonly after longer residence. We conclude that although the ordinary forms of coming to

settle, or coming to inhabit, are correct, because he who comes to settle or inhabit, and is actually chargeable, undoubtedly inhabits—*The King v. Binagar* (10), yet the language of this order is free from objection, as satisfying the statute under which the Magistrates acted in making it.

Order of Sessions confirmed.

BAIL COURT. }
1846. } THE QUEEN v. LORD.
Nov. 19. }

Prisoner—Conviction—Certiorari—Admitting to Bail—Practice—Crown Paper.

Where a certiorari has issued to bring up a conviction, under which a party is in prison, the Court will admit him to bail until the case is determined by the Court.

The proper practice upon the return of a certiorari to remove a conviction is, that the case should be put into the Crown paper.

Huddleston had, on a former day in this term, obtained a rule absolute in the first instance, for a *certiorari*, to remove a conviction under 4 Geo. 4. c. 34. (Master and Servant's Act), by virtue of which James Lord was committed to prison. He now moved that the prisoner might be brought up to be admitted to bail until the argument on the *certiorari*, upon the authority of *The King v. Reader* (11), the report of which is as follows:—"The defendant was convicted for keeping an alehouse without licence, and was therefore committed for a month, as the act directs. After he had lain a fortnight he brought a *certiorari*, and upon the return of it, he was admitted to bail; the Court being of opinion, that if the conviction was confirmed they could commit him in execution for the residue of the time." That case was acted upon in *In re Turner* (12); and the principle appears a reasonable one, although it must be admitted that it has never been very fully discussed.

[PATTESON, J.—It does seem very hard that a man should not be admitted to bail when his case is not heard for a length of time owing to the business of the Court.]

Cowling appeared to resist the application.—*In re Turner* cannot be any authority, for there the bailing was by consent; but, in truth, the difficulty is, whether the Court, if such an application be granted, will have any power to re-commit the prisoner in case the conviction is upheld. Some months will then have elapsed; and it may be contended, that Justices of the Peace alone have power to commit a person to prison under this act. That the Court has such power is no doubt stated in *The King v. Reader*, but that case is very meagrely reported, and the point does not appear to have been much discussed. The statute, which gives a power to grant bail in error from the Court of Quarter Sessions, would have been unnecessary, if bail could be taken in such cases independently of the statute. Moreover, this case can be argued immediately, and there is no need of bailing.

PATTESON, J.—The Master informs me that the practice in these cases is, that when the *certiorari* is returned, the case goes into the Crown paper; and certainly I think it is much better that a matter of the importance which this is, should be heard in the full Court before all the Judges, than by one sitting here alone. I therefore do not feel myself justified in taking the case out of the Crown paper. Then the question is, whether this prisoner is to lie in prison until the case comes on in its turn,—which he must do, unless the Court consent to take it out of its turn, which I do not know whether they will be disposed to do—when it may, after all, turn out that the custody has been illegal. *The King v. Reader* is relied on as an authority that the party may, under such circumstances, be admitted to bail; and as to the objections made by Mr. Cowling, I do not see how the prisoner could well object to the Court sending him back again to his former custody, in case it should confirm the conviction, as it would only be what he must be taken to have himself consented to. I think the application reasonable, and shall therefore grant it.

The prisoner was accordingly admitted to bail.

(10) 7 East, 377.

(11) 1 Stra. 531.

(12) 15 Law J. Rep. (N.S.) M.C. 140.

1846. } THE QUEEN v. THE GREAT
May 26; } NORTH OF ENGLAND RAIL-
June 8, 27. } WAY COMPANY.

Corporation—Indictment.

An indictment will lie against a corporation for a misfeasance at common law.

The first count of the indictment, after alleging, in the usual form, that there was an ancient public highway leading, &c., in the county of Durham, alleged that the Great North of England Railway Company, on, &c., with force and arms, at, &c., unlawfully and injuriously did cut through and subvert great part of the said highway, to wit, &c.; and then and there unlawfully did cause to be made across the said highway a certain cut and trench, to wit, &c.; and then and there did cast, lay down, and place divers large quantities of bricks, stones, &c., in and upon the said highway; and the same part of the said highway so cut through and subverted, and the said cut and trench so dug and made as aforesaid, with force and arms, then and there unlawfully and injuriously did keep and continue for a long space of time, to wit, &c., by means of which said several premises the said highway became and was obstructed and stopped up.

There were three other similar counts for obstructing at common law.

The fifth count stated that before and at the time of the committing, &c., and after the passing of a certain act of parliament made and passed in the 6 & 7 Will. 4, intituled, "An Act for making a Railway from near the River Tyne to or near the River Tees, to be called the Great North of England Railway Company," and after the passing of a certain other act of parliament made and passed in the 1 Vict., intituled, "An Act to enable the Great North of England Railway Company to extend the Line of their Railway, and to make two Branches therefrom, to wit, on," &c., there was, and still is, a certain Queen's highway leading from the village of Hurwarth unto Croft Bridge, in the county of Durham; that it was by the last-mentioned act enacted, "that in all cases in which any bridge should be erected for the purpose of carrying any public carriage-road over the railway by that act authorized to be made,

the road over such bridge should be formed, should at all times be continued of such width as to leave a clear and open space between the fences of such road of not less than twenty feet, and the ascent of every such bridge should not exceed one foot in twenty feet;" and that the said company, well knowing the premises, wrongfully, &c. did erect and caused to be erected, a bridge, for the purpose of carrying the public carriage-road of the said railway, as by the said last-mentioned act authorized to be made; and that the said company, well knowing the premises, did, for the purpose aforesaid, cause to be erected the said bridge, with an ascent which exceeded one foot in twenty feet—in contempt, &c., and against the form of the statute.

There were four other similar counts.

Plea, not guilty.

At the trial, before Wightman, J., at the Durham Spring Assizes, 1845, after the case for the prosecution had closed, it was contended, on behalf of the company, that at common law the indictment did not lie against a corporation for obstructing a way, or other misfeasance; and that, with respect to the other counts, the act of parliament authorized the company to construct the road as they had done. Under the learned Judge's direction, a verdict was taken for the Crown, with leave for the defendants to move to enter a verdict on all or any of the points made at the time.

Wortley, in Easter term, 1845, having obtained a rule nisi accordingly, or for arresting the judgment,—

Otter, Granger, and Bovill shewed cause. —The four first counts charge a misfeasance at common law; and it will not be contended, since the case of *The Queen v. the Birmingham and Gloucester Railway* (1), that an indictment will not lie against a corporation. That case overrules the dictum of Holt, C.J., in *Anonymous* (2), that "a corporation is not indictable, but the particular members of it are." It is not necessary to contend that an indictment would lie against a corporation for murder, or any capital offence—*Hawk. P.C.*, b. 1. c. 66.—*Sutton's Hospital case* (3), in which

(1) 3 Q.B. Rep. 281; s. c. 11 Law J. Rep. (n.s.) M.C. 134.

(2) 12 Mod. 559.

(3) 10 Rep. 32, a.

case there would be no means of carrying the sentence into execution; but the tendency of recent decisions is to make corporations responsible in criminal as well as civil matters, as reasonable beings. There is, therefore, no real distinction as affects their liability between acts of omission and commission, if the act charged can be done by them in their corporate capacity. In *Maund v. the Monmouthshire Canal Company* (4), it was held that trespass would lie against a corporation, as will also trover—*Yarborough v. the Bank of England* (5), and for a wrongful distress—*Smith v. the Birmingham Gas Company* (6). And with regard to the nature of the injury, wherever it is such as to be a good ground of action, it is properly the subject of an indictment—*The King v. Trafford* (7), *The King v. Medley* (8). *The Queen v. Scott* (9) is in point to shew that the company are indictable at common law if they omit to do that which would make what they have done justifiable under the act. In *The King v. Shelderton* (10) the inhabitants of a parish were indicted for digging in a highway, not for mere omission to repair. It was, formerly, doubted whether it was possible to compel a corporation to appear in Chancery—*Dr. Salmon v. the Hamborough Company* (11); and in that case the Lords of Parliament made a special order that the distringas should be served on the governor, treasurer, &c. An indictment, which is, in effect, an action at the suit of the Queen, obviates the necessity of many actions at the suit of individuals. It will not be denied that the corporation can commit the act; they can as well be guilty of a public nuisance as of a civil trespass. The act is, in fact, committed by means of their servants, and the jury have found that they have made the bridge. In *Henly v. the Mayor, &c. of Lyme* (12),

it was admitted that a corporation would be liable for a misfeasance, though it was there contended that they were not liable for a non-feasance. In *Matthews v. the West London Waterworks* (13), no doubt was entertained of the liability of a corporation to an action on the case for negligently laying down pipes in a public street; and in other cases of positive misfeasance—*Weld v. the Gas-Light Company* (14), *Parnaby v. the Lancaster Canal Company* (15); or the wrongful receipt of money—*Hall v. the Mayor, &c. of Swansea* (16).

Knowles, Bliss, and Addison, contra.—No case has gone the length of deciding that for a positive misfeasance an indictment will lie against a corporation. In cases of non-feasance, indeed, it may now be considered as established by *The Queen v. the Birmingham and Gloucester Railway* that a corporation may be indicted. The act of omission does not attach to any individual member of the corporation; but in every case of misfeasance the individual members who commit the act may be indicted; and that was done in *The Queen v. Scott*. The argument, therefore, from convenience, is in the defendant's favour; and an indictment against the corporation as a body, and a conviction or acquittal consequent upon it, would be no bar to a subsequent indictment against any of the individual members for the same offence. It is admitted that in certain cases, such as treason or felony, an indictment could not be supported—*Vin. Abr. 'Corporation'* (Z): nor will an attachment lie—*Vin. Abr. 'Corporation'* (B), *a*; and the only analogous case in favour of the Crown is that of *Maund v. the Monmouthshire Canal Company*, which case was not argued with reference to the difficulty of making the corporation appear—*Beecher's case* (17). But it is not true, even in the case of individuals, that in every case where an action of trespass lies, an indictment will also lie: for instance, where a man consents to a trespass which has been committed for his benefit. And to hold the whole body to

(4) 4 Man. & Gr. 452; s. c. 11 Law J. Rep. (N.S.) C.P. 217.

(5) 16 East, 6.

(6) 1 Ad. & El. 526; s. c. 3 Law J. Rep. (N.S.) K.B. 165.

(7) 1 B. & Ad. 874; s. c. 9 Law J. Rep. M.C. 66.

(8) 6 Car. & Pay. 292.

(9) 3 Q.B. Rep. 648; s. c. 11 Law J. Rep. (N.S.) Q.B. 254.

(10) 2 Keb. 221.

(11) 1 Chancery Cases, 204.

(12) 5 Bing. 91; s. c. 6 Law J. Rep. C.P. 222.

(13) 3 Campb. 403.

(14) 1 Stark. N.P.C. 189.

(15) 11 Ad. & El. 223; s. c. 7 Law J. Rep. (N.S.) Q.B. 258.

(16) 5 Q.B. Rep. 526; s. c. 13 Law J. Rep. (N.S.) Q.B. 107.

(17) 8 Rep. 59, a.

be indictable, might operate, in many cases, to make the minority immediately responsible for the acts of the majority.

Cur. adv. vult.

The judgment of the Court was subsequently delivered by—

LORD DENMAN, C.J.—The question is, whether an indictment will lie at common law against a corporation for a misfeasance, it being admitted, in conformity with undisputed decisions, that an indictment may be maintained against a corporation for non-feasance. All the preliminary difficulties as to the service and execution of process, the mode of appearing, and pleading, and enforcing judgment, are by this admission swept away. But the argument is, that for a wrongful act a corporation is not amenable to an indictment, though for a wrongful omission it undoubtedly is—assuming, in the first place, that there is a plain and obvious distinction between the two species of offence. No assumption can be more unfounded. Many occurrences may be easily conceived full of annoyance and danger to the public, and involving blame in some individual or some corporation, of which the most acute person could not clearly define the cause, or ascribe them with more correctness to mere negligence in providing safeguards, or to an act rendered improper by nothing but the want of safeguards. If A. is authorized to make a bridge with parapets, but makes it without them, does the offence consist in the construction of the unsecured bridge, or in the neglect to secure it? But if the distinction were always easily discernible, why should a corporation be liable for the one species of offence and not for the other? The startling incongruity of allowing the exemption is one strong argument against it. The case is often entangled in technical embarrassments; but there is none here. It is as easy to charge one person, or a body corporate, with erecting a bar across a public road as with the non-repair of it; and they may as well be compelled to pay a fine for the act as for the omission. Some dicta occur in old cases:—"A corporation cannot be guilty of treason or of felony." It might be added, "of perjury, or offence against the person." The Court of Common Pleas lately held that a corporation

might be sued in trespass. But nobody has sought to fix them with acts of immorality. These plainly derive their character from the corrupted mind of the person committing them, and are violations of the social duties that belong to men and subjects. A corporation which, as such, has no such duties, cannot be guilty in these cases; but they may be guilty, as a body corporate, of commanding acts to be done to the nuisance of the community at large. The late case of *The Gloucester and Birmingham Railway Company* was confined to the state of things then before the Court, which amounted to non-feasance only; but was by no means intended to deny the liability of a corporation for a misfeasance.

We are told that this remedy is not required, because the individuals who concur in voting the order, or in executing the work, may be made answerable for it by criminal proceedings. Of this there is no doubt. But the public knows nothing of the former, and the latter, if they can be identified, are commonly persons of the lowest rank, wholly incompetent to make reparation for the injury. There can be no effectual means of deterring from an oppressive exercise of power for the purposes of gain, except the remedy by an indictment against them who may commit it; that is, the corporation acting by its majority: and there is no principle which places them beyond the reach of the law for such proceedings. The verdict for the Crown, therefore, on the first four counts will remain undisturbed.

Judgment for the Crown.

1846. } *In the matter of SHUTTLE-*
Nov. 17. } *WORTH, A LUNATIC.*

Lunatic—Licensed Asylum—8 & 9 Vict. c. 100.—Order for Admission—Medical Certificate—Habeas Corpus.

A return to a habeas corpus, directed to the keeper of a licensed lunatic asylum, set out the order for her admission, in the form given by 8 & 9 Vict. c. 100. s. 45. sched. B: some of the particulars required to be stated were stated, others were left in blank, and the reason given for these not being inserted was, "her being constantly watched by an

attendant whom she fears :"—Held, that the order was sufficient.

One of the medical certificates given under ss. 45. & 46. sched. C, stated that the medical man formed his opinion from the fact that the patient "laboured under delusions of various kinds, was dirty and indecent in the extreme :"—Held, sufficient.

Held, also, that the provisions of s. 46. were directory only; that a strict compliance with them in point of form was not essential to the validity of the certificate upon habeas corpus.

The other medical certificate stated that the medical man formed his opinion from "a conversation he had had" with the lunatic: the word "fact" being erased :—Held, that as the certificate contained that which was equivalent to the formal requisites of the statute, the omission was not fatal.

Held, also, per Erle, J., that the object of the statute was to leave the controul of lunatics as at common law, making parties liable to indictment for misdemeanour who did not comply with the provisions of the statute.

A writ of habeas corpus had been obtained, directed to Dr. Millingen, the keeper of a licensed lunatic asylum, called York House, Battersea, commanding him to bring up the body of Martha Elizabeth Shuttleworth, together with the cause, &c.

The return of Dr. Millingen stated, that the cause of M. E. Shuttleworth being delivered into his custody and detained there was, that the said M. E. Shuttleworth then was and ever since had been, and still is, a person of unsound mind, memory, and understanding, and incapable of governing herself, or her property, or of managing her affairs, and unfit and unsafe to be at large; and that at the time the said M. E. Shuttleworth was received into his custody, he received with her an order for her reception, under the hand of J. C. Rowlatt, which order was as follows :—

"I, the undersigned, hereby request you to receive M. E. Rhodes, a person of unsound mind, as a patient, in your house. Subjoined is a statement respecting the said M. E. R.

(Signed) J. C. Rowlatt, M.A.

"Assistant Minister of St. Peter's, Pimlico."

Place of abode.—36, Lower Belgrave Street.

Degree of relationship (if any) or other circum-

stances of connexion with the patient.—As clergyman of the parish, finding her in a most deplorable and indecent condition.

Name of patient, with christian name at full length.—Martha Elizabeth Rhodes.

Sex and age.—Female.

Married, single, or widowed.—Single.

Condition of life and previous occupation (if any).

—Derives her income from a settlement upon her.

Previous place of abode.—Upper Eaton Street, Pimlico.

Religious persuasion, so far as known.

Duration of existing attack.

Whether first attack.

Age (if known) on first attack.

Whether subject to Epilepsy.

Whether suicidal or dangerous to others.

Previous places of confinement (if any).

Whether found lunatic by inquisition, and date of commission.

Special circumstances (if any) preventing the patient being examined, before admission, separately, by two medical practitioners.

Special circumstances (if any) preventing the insertion of any of the above particulars.—Being constantly watched by an attendant whom she fears.

J. C. Rowlatt.

Dated, &c.

To Messrs. Perkin & Millingen, proprietors of York House, Battersea.

The return then stated, that, together with the lunatic, two medical certificates had been received by Dr. Millingen. The certificates were as follows :—

"I, Thomas Willmott, being a surgeon and apothecary, duly qualified, hereby certify that I have this day, separately from any other medical practitioner, visited, and personally examined M. E. R., the person named in the accompanying statement and order, and that the said M. E. R. is a person of unsound mind, and a proper person to be confined; and that I have formed this opinion from the following fact: namely, that *she labours under delusions of various kinds, that she is dirty and indecent in the extreme.*"

"Thomas Willmott."

"17, Upper Eaton Street."

The second certificate followed the same form as the other, concluding thus,—

"and that I have formed this opinion from the [*following fact**] conversation I have had this day with the said M. E. R.

"William Griffith."

"31, Lower Belgrave Street."

The return then stated the identity of

* The words within brackets and in italic were struck through with the pen.

Maria Elizabeth Shuttleworth with the Maria Elizabeth Rhodes mentioned in the certificate.

J. H. Parry now moved (1) that the lunatic might be discharged on the ground of the insufficiency of the return. The statute 8 & 9 Vict. c. 100. (2) makes the order given in the schedule B. as well as the medical certificates in schedule C. conditions to be complied with before any person can be confined as a lunatic. In this case, first, the order for the patient's admission set out in the return, though it is itself in the form given by the act, only states a few of the particulars required; and the being constantly watched by an attendant whom she fears is not a sufficient, or even an in-

telligible, reason for not answering the remainder.

[COLERIDGE, J.—The reason may be the true one, though I may not be able to understand it.]

The giving an order of this sort is an act which the person who gives it takes upon himself. Before he goes out of his way to interfere with personal liberty, he should make himself acquainted with all the particulars required, or shew some reason in each case for his not doing so. Here the blanks are not filled, even with the words "not known." Many of the particulars are of a nature to be learnt by inquiring of third parties. Secondly, the certificate of Dr. Willmott is insufficient. The labouring under delusions of various kinds is not a fact, but a conclusion of the medical man; and the fact of the patient being dirty and indecent is one which any person of common sense can see is not conclusive of insanity.

[COLERIDGE, J.—If the medical man states the fact on which he formed his opinion, he does all that is required of him: are we to say whether he is right or wrong in that opinion? As far as this objection is concerned, it seems to me that you are only setting up your judgment against that of the medical man.]

Lastly, the second certificate is at all events insufficient. It does not adopt the form given in the schedule. Mr. Griffith does not even pretend to say that he can state any fact which, within the meaning of the 46th section, is any ground for his coming to the conclusion that this person is insane. He strikes out the word "fact," and inserts that he formed his opinion from "a conversation:" it does not appear how that conversation led him to conclude the person insane. It amounts to no more than what was before stated, namely, that he had examined the said M. E. R.

[COLERIDGE, J.—Do you contend that, supposing the certificates are insufficient, the party is to be discharged? I do not see how that can be. The return, at all events, shews as a fact that she is a dangerous lunatic. That is not even attempted to be denied, and no suggestion is now made that it is not true. In criminal cases a party who is detained under an insufficient commitment, may be remanded.]

(1) The lunatic had, on the previous day, been brought up before Patteson, J., sitting in the Bail Court, who expressed some doubt as to the sufficiency of the return, but referred the question to the full Court.

(2) The 8 & 9 Vict. c. 100. s. 45. enacts, "That no person (not a pauper), whether being or represented to be a lunatic, or only a boarder or lodger, in respect of whom any money shall be received, or agreed to be received for board, lodging, or any other accommodation, shall be received into or detained in any licensed house, and no person (not a pauper) shall be received into or detained as a lunatic in any hospital, without an order under the hand of some person, according to the form, and stating the particulars required in schedule (B.) annexed to this act, nor without the medical certificates, according to the form in schedule (C.) annexed to this act, of two physicians, surgeons, or apothecaries, who shall not be in partnership, and each of whom shall separately from the other have personally examined the person to whom it relates, not more than seven clear days previously to the reception of such person into such house or hospital, and shall have signed and dated the same on the day on which such person shall have been so examined; and every person who shall receive or detain any such person as aforesaid, in any such house or hospital as aforesaid, without such order and medical certificates as aforesaid; and any physician, surgeon, or apothecary, who shall knowingly sign any such medical certificate as aforesaid which shall untruly state any of the particulars required by this act, shall be guilty of a misdemeanour."

Sec. 46. is as follows, "Provided and enacted, that every physician, surgeon, or apothecary signing such certificate, shall specify therein any fact or facts, (whether arising from his own observation or from the information of any other person,) upon which he has formed his opinion, that the person to whom such certificate relates is a lunatic or an insane person, or an idiot, or a person of unsound mind."

[ERLE, J.—The 56 Geo. 3. c. 100. ss. 3. & 4. makes the facts stated in a return to a writ of *habeas corpus* traversable.]

If the lunatic is discharged, she may be immediately detained by any person who obtains the proper information, and prepares a correct order, &c. In *Ex parte Fell*(3), Patteson, J. appears to have thought that a medical certificate, which was less objectionable than the present would not have authorized the detention of a person in a lunatic asylum; and that the defect would be a ground of discharge. The Court is not to look to the consequence of its decisions, when it discharges out of custody a person detained without authority.

Sir John Bayley appeared, on behalf of the keeper of the asylum, but was not called upon.

LORD DENMAN, C.J.—There is no difficulty in this case, except that which arises from my Brother Patteson having expressed a doubt on the subject. We have the highest respect for his opinion, but we are at the same time bound to express our own in a case so important and exceptional. It is quite clear that there would be no protection for the public at large, or for mad persons themselves, unless particular forms and regulations were prescribed for the care and management of mad-houses. In former times great abuses prevailed in this respect; but various acts of parliament have recently been passed with extreme care and tenderness, in regard to persons in this unhappy condition, but at the same time with a due consideration to the prevention of mischief either to others or themselves. By the last of these acts, the 8 & 9 Vict. c. 100, in order to found the proceedings in the case of a lunatic, an order is to be issued. No person in particular is to do that: it is not done in any particular character; but the person who issues it must have an opportunity of forming an opinion. Here the person issuing it is the clergyman of the parish; he states that he finds this person in a deplorable and indecent condition. The 45th section of the act of parliament is particular in its wording, and requires specific particulars to be set out. Do these particulars

appear in the present case? I think they do. Some of those particulars are stated. The religious persuasion and age are only to be stated if known; and they must, therefore, be taken (nothing being said about them) to be unknown; and I think as to the account of the particulars set out in the schedule, that the excuse for their not being inserted, namely, the constant presence of a person whom she feared, is reasonable and sufficient. Then we come to the certificates, as to which we may observe that the language of the 46th section differs from that of the 45th; and that its provisions are directory merely; and that no particular mode of statement is made essential to the validity of the certificate. Medical persons are considered as known to the law, and conversant with the particular disease. As to the certificate of Dr. Willmott, I think it would be monstrous to suppose that it is to state all the particulars which came to his knowledge, or on which he formed his judgment. No means are given for any tribunal to judge whether any particular delusions are conclusive of insanity or not, though they are well understood by those acquainted with the nature of disease; and taking the latter portion alone, I cannot say that it might not of itself be sufficient to enable the medical man to form an opinion. The second certificate is certainly not so formal. I must own that I wish it had followed the direction of the act; but if it contains statements perfectly equivalent to those required, are we to hold the omission to be fatal? I consider the conversation which is stated to be the fact; and it is a fact sufficient to enable the medical man to form a judgment if he be the skilful person the act of parliament gives him the credit of being. None of these things are final; and, if they are improperly done, the act of parliament gives a remedy: and this is not a case in which it is suggested that the party is not a proper subject for confinement. My opinion then is, that the order and certificates are sufficient; but, after what has passed, I am bound to go further. Even supposing the return insufficient, should we be justified, either as Judges or individuals, in setting at liberty a dangerous lunatic? It is said that she might immediately be arrested; but why should she

not remain where she is? Satisfied, therefore, as I am, that there would be danger in allowing her to go at large, I should be abusing the name of liberty if I were to restore her to it, when it could only be a curse to herself and others.

COLERIDGE, J.—I am of the same opinion, and can add nothing to what my Lord has said. The act of parliament is one of great importance, and the case is novel.

WIGHTMAN, J. concurred.

ERLE, J.—I also fully concur with the judgment my Lord has delivered. I would only further remark that this being a licensed house, the keeper would be liable to be indicted for a misdemeanour, for receiving a patient in any case in which the provisions of the act were not complied with. I think the meaning of the act in this respect was the controul of lunatics, as it was at common law; but to subject the party to indictment if the precaution provided by it was not observed.

Lunatic remanded. Costs were prayed on behalf of Dr. Milingen, but not allowed.

BAIL COURT.

1846. } THE QUEEN v. THE RECORDER
June 5; } OF YORK.
Nov. 25. }

Poor Law—Lunatic Pauper—9 Geo. 4. c. 40.—Appeal—8 & 9 Vict. c. 126.—Statute—Repeal—Exceptional Words.

On the 9th of July 1845, an order was made adjudging the settlement of a lunatic pauper, and ordering payment of expenses under 9 Geo. 4. c. 40. s. 42. On the 9th of August following, the 8 & 9 Vict. c. 126. passed, which repealed the 9 Geo. 4. c. 40, except as to any matters committed or done before the passing of the repealing act, which should be as if that act had not passed. On the 13th of October an appeal against this order was entered and respited; and on the 17th of December notice of appeal was sent. No grounds of appeal were ever stated. At the January Sessions 1846, the Sessions dismissed the appeal, on the ground that the right of appeal, under 9 Geo. 4. c. 40, was taken away by the 8 & 9 Vict. c. 126; and,

secondly, that if the right of appeal remained, grounds of appeal ought to have been stated:—Held, that the right to appeal against an order made prior to the passing of the 8 & 9 Vict. c. 126. was unaffected by that act.

Held, also, that sect. 60. of the 9 Geo. 4. c. 40. was not the proper appeal clause, and that no grounds of appeal were necessary.

This was a rule calling upon the Recorder of York to shew cause why a mandamus should not issue, directed to him, commanding him to enter continuances and hear an appeal by the township of Skipton, against an order made under 9 Geo. 4. c. 40. s. 42. adjudicating the settlement of a lunatic pauper, and ordering the payment of the expenses of removing, &c. The order was dated on the 9th of July, and served on the 14th of July 1845; and an appeal, in which the clerk of the peace was respondent, was duly entered at the October Sessions in the same year, and respited to the Epiphany Sessions. On the 17th of December 1845 a notice of appeal (not stating any grounds of appeal,) was sent by the appellant parish. On the 5th of January the Epiphany Sessions were held, at which the appeal being called on was dismissed by the Recorder, on two grounds: first, that the 8 & 9 Vict. c. 126, which passed on the 8th of August 1845, having repealed the 9 Geo. 4. c. 40, the right of appeal, under the former statute, was gone; and, secondly, that if the appeal under the former statute still existed, it was necessary to state grounds of appeal.

Bliss, in Trinity term last, shewed cause against the rule.—The second ground upon which this appeal was dismissed is founded on the case of *The Queen v. Pixley* (1). *The Queen v. the Justices of Kent* (2), which decided that the appeal in such a case as the present must be under section 54. was relied on by the appellants; and the question will turn upon which of the three appeal clauses, namely, sections 46, 54, and 60, is to govern the present case. *The Queen v. Pixley* is an authority in

(1) 4 Q.B. Rep. 711; s.c. 12 Law J. Rep. (N.S.) M.C. 87.

(2) 2 Ibid. 686; s.c. 11 Law J. Rep. (N.S.) M.C. 26.

favour of its being necessary to state grounds of appeal: a decision upon this point was essential in that case.

[WIGHTMAN, J.—In the argument in that case the 60th section does not seem to have been once referred to, or any point made as to the necessity for stating grounds of appeal.]

That section appears to have been adverted to in the judgment, for the first time; but *The Queen v. the Justices of Kent* is not necessarily inconsistent with that case. It is contended that in the present case the appeal is under section 54. as well as section 60. The former applies so far as to designate who is to be the respondent, and section 60. applies in respect of grounds of appeal. It must be urged on the other side that section 54. alone is applicable. But, as to the other point, the appeal was taken away by the new statute 8 & 9 Vict. c. 126; by section 1. of which the 9 Geo. 4. c. 40. is repealed, except as to matters committed or done, or contracted to be committed or done, before the passing of the repealing act, which are to be as if it had not passed. The order being served on the 14th of July, there was sufficient time for the appellants to have given their notice of appeal before the 8th of August, when the act was repealed; whereas it was never given until the 17th of December. The question then arises whether, in the case where an order has been made before the repeal of the act, the operation of the repealing statute is to do away with the old right of appeal. This appeal cannot be considered as a matter or thing committed or done before the passing of the act, and if so, it cannot be within the exception; but the order itself is a thing done, and therefore stands good. In *The Queen v. Mawgan* (3), a road had been presented by a Magistrate, under 13 Geo. 3. c. 78. s. 24, and the presentment was removed by *certiorari* after trial, but before judgment that statute was repealed: the Court decided that they could not give judgment, as the proceedings, founded on the presentment, were no longer valid—*Kay v. Goodwin* (4).

Hall, in support of the rule.—It is impossible that both sections 54. and 60. can apply: the requirements of them are totally distinct; in fact section 60. applies only to offences and penalties imposed under the act. In *The Queen v. the Justices of the West Riding of Yorkshire, (In re Vincent)* (5), *The Queen v. Pixley* was adverted to. The question there was, whether the Sessions were right in holding that the appeal was too late, but it was assumed that section 54. was the proper appeal clause. But the more important question is, whether the new act applies to affect this case. If that act had not passed, this order would undoubtedly have been subject to be appealed against; and there is nothing in the new statute that can prevent such a consequence from remaining. The order was only inchoate until an opportunity arose of appealing, which was at the October Sessions, and until that time it was not a matter completed. No doubt, when a statute is repealed absolutely, the effect is to render it as if it had never existed; but if the repealing words are qualified, as here, that effect is also qualified. The judgment of Lord Ellenborough, in *The King v. Rogers* (6) shews what is the meaning of the word "repeal": the word is not to be taken in an absolute, if it is used in a limited sense. *The Queen v. Mawgan* is really no authority at all on this point; that was a statutable proceeding for not repairing a highway, which is an offence at common law. *Kay v. Goodwin* only shews that a confirmation must apply to something previously done, and not to something which is to be done. *Hodge v. Bird* (7) was an analogous case under the Attornies Act: there when a bill had been taxed under the repealed statute, the right of applying to the Court upon that taxation was held still to remain. As to the necessity for giving notice of appeal before the passing of the new statute, that would not avoid the difficulty, for the appeal itself could not be heard till the October Sessions. It cannot be contended, that the appeal ought

(3) 8 Ad. & El. 496; s. c. 7 Law J. Rep. (N.S.) M.C. 98.

(4) 6 Bing. 576; s. c. 8 Law J. Rep. C.P. 212.

(5) 15 Law J. Rep. (N.S.) M.C. 52.

(6) 10 East, 569.

(7) 6 Man. & Gr. 1020; s. c. 13 Law J. Rep. (N.S.) C.P. 87.

to have been under the 8 & 9 Vict. c. 126; for sec. 80, which is the only appeal clause in that act, expressly excepts "orders adjudicating as to the settlement of any lunatic pauper, and providing for his maintenance," and that section only applies to orders made under that act. So that if it were held, that there was no appeal under the former act, the consequences would be very serious in all such cases as the present. The liability under the former act was on the county, but by the new act it is thrown on the parish; and there is no provision for shifting the liability from the county to the parish, which there is in the old act. *Hitchcock v. Way* (8) shews that where an act changes the liability, proceedings then pending must go on as they did before.

Cur. adv. vult.

WIGHTMAN, J.—This was a rule calling upon the Recorder of York to enter continuances and hear an appeal, as to the last place of settlement of a lunatic pauper. On the 9th of July 1845, two Justices made an order adjudging the place of settlement of the pauper, and ordering the overseers of such place to pay the expenses of the pauper, under the provisions of the 9 Geo. 4. c. 40. On the 8th of August in the same year, by the 8 & 9 Vict. c. 126, that statute was repealed except as to any matters committed or done before the passing of the 8 & 9 Vict. c. 126, which should be as if that act had not been passed. On the 13th of October in the same year, an appeal was entered and respited. On the 17th of December notice of appeal, but without stating any grounds, was given. On the 5th of January 1846, the appeal was dismissed at the sessions: first, because the 9 Geo. 4. c. 40. was repealed by the 8 & 9 Vict. c. 126; secondly, because no grounds of appeal were given. Upon the first point, I am of opinion, that this case is within the exception in the repealing clause of the 8 & 9 Vict. c. 126; and that it is so for all purposes, including that of appealing; and that the 9 Geo. 4. c. 40. is still unrepealed as far as regards the order of Justices made on the 9th of July 1845,

with all its incidents, including the right of appeal. Many cases were cited upon the argument, but as each decision depends upon the words of the repealing statute, it is unnecessary to advert to them, as I am of opinion, that the words of the exception in the repealing clause of the 8 & 9 Vict. c. 126, leave the 9 Geo. 4. c. 40. untouched as far as respects the order in question, and that which is incident to it, including this appeal. The second objection, however, was said to be available under the 9 Geo. 4. c. 40, supposing it not to have been repealed. This depends upon the question, whether the appeal is under the 46th or 54th sections of that act, or the 60th section: if under either of the former, no ground of appeal need be stated; if under the last, it must. The statute contains three appeal clauses: one, the 46th section, immediately following the enactments which enable the Justices to ascertain the settlement of pauper lunatics, and order payment of expenses; another, which is incorporated in section 54. with the clause respecting lunatics charged with crimes; and the last, which is the 60th section, immediately following the clause for recovery and application of penalties and forfeitures, and containing expressions which are applicable only to cases of penalty and forfeiture, and not to cases falling within the previous clauses of appeal. I therefore think that the Sessions were wrong in treating this as an appeal under the 60th section of the act, it being an appeal under one or both of the former sections of the act, which do not require any ground of appeal to be given. I may observe, that in the case of *The Queen v. Pixley*, which was cited on the argument in support of the order of Sessions, no question was made upon the effect of the appeal clauses in the 46th and 54th sections of the act, and it seems to have been assumed that the case was within the 60th section; but as that case was decided upon grounds wholly distinct from the present question, it cannot be taken as an authority in this case. Upon the whole, therefore, I think that the rule for a mandamus must be absolute.

Rule absolute.

(8) 6 Ad. & El. 943; a. c. 6 Law J. Rep. (n.s.) K.B. 216.

1846. } THE QUEEN v. THE INHABIT-
Nov. 18. } ANTS OF ANDERSON.

Settlement — Office — Statute 3 Will. & Mary, c. 11. s. 6.—Appeal, Ground of.

A ground of appeal stated that the pauper had for many years, to wit, the years 1832, 1833, and 1834, and afterwards, served the offices of assessor and collector of land tax and assessed taxes in the parish of C, to which offices he was duly and legally appointed, and during which years he was an inhabitant and resident in the said parish of C:—Held, sufficient, as shewing a settlement by serving an office under 3 Will. & Mary, c. 11. s. 6.

On an appeal against an order of two Justices for the removal of James Furber, with his wife and child, from the parish of Lytchet Minster, to the parish of Anderson, the Court of Quarter Sessions for the county of Dorset, confirmed the order, subject to the opinion of this Court, upon the following

CASE.

The sixth and material ground of appeal was as follows:—"That the said paupers were, at the time of granting the said order, and are now, legally settled in the parish of Chaldon Herring, in the county of Dorset, by reason of the pauper (the said James Furber) having for many years, to wit, the years 1832, 1833, and 1834, and afterwards, served the offices of assessor and collector of the land tax, and also the assessed taxes in the tithing of Chaldon West, in the parish of Chaldon Herring, and to which said offices he was duly and legally appointed, and during which years he was an inhabitant and resident in the said parish of Chaldon Herring, and for some time afterwards."

At the trial, the respondents called the pauper James Furber, and proved a settlement in the appellant parish, by renting a tenement from the year 1816 to 1823. The appellants then proposed to cross-examine the pauper, with a view to the proof of a subsequent settlement obtained by him in the parish of Chaldon Herring, by serving the office of collector of land tax during the years 1832, 1833, and 1834,

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in the parish of Chaldon Herring, as alleged in the sixth ground of appeal. The counsel for the respondents objected that the appellants were precluded from giving any evidence of such settlement, by reason of the insufficiency of the statement in the sixth ground of appeal, inasmuch as it did not set forth that it was a public annual office which the pauper had served, or that he had served it for himself, and on his own account, and inasmuch as it did not appear therefrom that he had resided for the space of forty days in the parish of Chaldon Herring, during the time of his serving such office. The Sessions held the objection good, but permitted the appellants to prove, and they did in fact prove, that the pauper, subsequently to his obtaining a settlement in the appellant parish, gained a settlement in the parish of Chaldon Herring, by serving the office of collector of land tax therein during the years in the sixth ground of appeal mentioned, and that the said office was a public annual office, to which he was duly and legally appointed, and that he served it for himself, and on his own account, and that he resided in the parish of Chaldon Herring throughout the period of his said service. This proof having been gone through, the Sessions confirmed the order, subject to the opinion of this Court upon the question whether the settlement in the sixth ground of appeal was sufficient to let the appellants into proof of the settlement alleged therein. If the Court should be of opinion that it was sufficient, the order of Sessions and the order of removal were to be quashed; if not, the order of Sessions was to be confirmed.

Lucena and Fooks, in support of the order of Sessions.—The statute 3 Will. & Mary, c. 11. s. 6. enacts, that "if any person who shall come to inhabit in any town or parish, shall for himself, and on his own account, execute any public office or charge in the said town or parish, during one whole year, then he shall be adjudged and deemed to have a legal settlement in the same." This is a statutory settlement: all the particulars constituting such a settlement must, therefore, be distinctly and fully stated in the examinations, or in the ground of appeal which set it up, and nothing is to be

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left to inference—*The Queen v. the Inhabitants of Wymondham* (1), *The Queen v. the Inhabitants of Sherburn* (2), *The Queen v. the Recorder of Leeds* (3), *The Queen v. the Inhabitants of St. Anne's, Westminster* (4), *The Queen v. the Justices of the West Riding (Drighlington v. Pudsey)* (5). The Sessions, in the present case, in conformity with the suggestion of Patteson, J., in *The Queen v. the Justices of Kesteven* (6), proceeded to hear the case through, though they thought the ground of appeal insufficient. The appellants did, in fact, prove in evidence the facts necessary to constitute a statutory settlement. But every fact which it was necessary to prove, it was necessary also to allege in the grounds of appeal. First, therefore, it should have been therein stated that this was a public annual office.

[LORD DENMAN, C.J.—We know it to be such.]

The pauper may have been appointed for less than a year. The contrary is not stated—*The King v. the Inhabitants of Middlewich* (7). Secondly, it should also have been stated, that he served the office on his own account, according to the form given in *Burn's Justice*, vol. 4. p. 1385, "for himself and on his own account." He may have executed the office as deputy.

[COLERIDGE, J.—The statement that he was duly and legally appointed to the office, and served it, seems to exclude the possibility of his serving it for any other person.]

He may have been a certificated person, and it is, therefore, necessary it should most distinctly appear that he personally executed an annual office, and was legally placed in that office—*The King v. St. Maurice, Winchester* (8), *The King v. the*

Inhabitants of Corfe Mullen (9). Lastly, it is not stated that the pauper resided "for the space of forty days." The words "during which years" are ambiguous, and may mean merely "in the course of which years."

[LORD DENMAN, C.J.—The word "during" may, no doubt, be often incorrectly used in common parlance, but "during the year," in strict legal language, means "throughout the whole year."]

Taken altogether, the ground of appeal is not sufficiently precise and particular—*The Queen v. the Inhabitants of Cumberworth Half* (10), *The Queen v. the Inhabitants of St. Paul, Covent Garden* (11), *The Queen v. the Inhabitants of St. Olave's, Southwark* (12). And the Sessions are the Judges of the necessary particularity.

Stock, contra, was stopped by the Court.

LORD DENMAN, C.J.—There have, no doubt, been a great many cases decided in which minute objections, which could hardly have been discovered without the aid of a microscope, have been held fatal to examinations and grounds of appeal. We have held it necessary that statutory settlements should be stated with great particularity. Some of the distinctions insisted on in those cases may appear to be very fine drawn, but I think it right to say that I believe, upon reconsideration, all those decisions may be maintained. It is, at any rate, settled, that we will draw no inferences. The grounds of appeal, or the examination, as the case may be, must distinctly state a settlement; and I am of opinion that, in the present case, the ground of appeal does state a settlement. It states that the pauper served for many years the offices of assessor and collector of the land tax and assessed taxes. The office is one of which we know something. It is created by act of parliament, and is an annual

(1) 2 Q.B. Rep. 541; s. a. 12 Law J. Rep. (n.s.) M.C. 74.

(2) Ibid. 545, n.

(3) 4 Ibid. 547, n.

(4) 15 Law J. Rep. (n.s.) M.C. 119.

(5) 2 Q.B. Rep. 505; s. c. 11 Law J. Rep. (n.s.) M.C. 80.

(6) 3 Ibid. 820; s. c. 13 Law J. Rep. (n.s.) M.C. 78.

(7) 3 Ad. & El. 156; s. c. 4 Law J. Rep. (n.s.) M.C. 90.

(8) Burr. S.C. 27.

(9) 1 B. & Ad. 211; s. c. 9 Law J. Rep. M.C. 19.

(10) 13 Law J. Rep. (n.s.) M.C. 49.

(11) 5 Q.B. Rep. 669; s. c. 14 Law J. Rep. (n.s.) M.C. 109.

(12) Ibid. 912; s. c. 13 Law J. Rep. (n.s.) M.C. 161.

office. It is, therefore, as if the ground of appeal had stated it to be a public annual office. The ground of appeal states also that the pauper was duly and legally appointed to such office, and there is nothing which should lead us to infer that he was a certificated man (though even if he were, he would still gain a settlement by serving the office), or that he served it as deputy for another person. The residence for forty days, during such service, is also distinctly stated. The ground of appeal, therefore, contains all the ingredients necessary to create a settlement under the statute 3 Will. & Mary, c. 11. s. 6. The Sessions, I think, did perfectly right in receiving the evidence in support of that settlement, and they have decided in favour of it, subject to our opinion whether the ground of appeal was sufficient, as to which I am clearly of opinion in the affirmative. With regard to the last argument, that the Sessions are the Judges of the necessary particularity, I agree that they are so; and if they had thought this ground of appeal was not sufficiently particular, they should have so decided and got rid of the appeal finally, without reserving it for our opinion.

COLERIDGE, J.—I am of the same opinion. This is a settlement under the statute 3 Will. & Mary, c. 11. s. 6. It was therefore necessary to state, in the grounds of appeal, that the party, on his own account, executed a public annual office for a year, and resided forty days in the parish in which he served the office. The ground of appeal does shew all this. The office of collector of land tax is a public office by law, and we know it to be an annual office, like that of churchwarden. It is true, no doubt, that a party may be appointed to such an office for part of a year only; and if there had been any ambiguity in the statement as to this point, I might have thought that a good objection. But there is no such ambiguity. As to the second objection, if he was himself duly appointed to the office, and served it, I do not understand how he could have been the deputy of another. And as to the residence, there can be no doubt whatever it is sufficiently stated. This very statute uses the words, "during one whole year."

WIGHTMAN, J.—Without entering upon minute criticism of particular words, I think this ground of appeal shews by express statement or by necessary implication, all the ingredients of a statutory settlement under 3 Will. & Mary, c. 11. s. 6.

ERLE, J.—The ground of appeal, though not following the precise words of the act, states such circumstances as lead, by necessary intendment, to the conclusion, that a settlement was gained. By "necessary intendment" I do not mean that the words used can by no possibility be misinterpreted or perverted, but that they fairly convey, to a rational mind, the meaning that this person had, on his own account, executed for one whole year a public annual office in this parish.

Order of Sessions quashed.

1846. }
Nov. 20. } BARNETT v. COX AND ANOTHER.

Metropolitan Police Acts—County Magistrates, acting under—Notice of Action—2 & 3 Vict. c. 71.—3 & 4 Vict. c. 84. s. 6. Local and Personal Act—5 & 6 Vict. c. 97.

County Magistrates who, acting under 3 & 4 Vict. c. 84. s. 6, convict a party of an offence under the 2 & 3 Vict. c. 71, are entitled to the privileges of a Metropolitan Police Magistrate, under the last-mentioned statute, and, therefore, to the same limitation of three months upon any action against them, which a Police Magistrate would have had.

The Metropolitan Police Acts are not local and personal acts, or acts of a local and personal nature within the statute 5 & 6 Vict. c. 97.

This was an action of trespass against two Magistrates of the county of Middlesex, who had convicted the plaintiff under the 2 & 3 Vict. c. 47. s. 18.

At the trial, before Lord Denman, C. J., at the Sittings for Middlesex, after last Trinity term, it appeared that the action was commenced within six, but more than three, months after the act complained of; and the plaintiff was, thereupon, nonsuited.

Bramwell (Nov. 3,) moved for a rule *nisi* to set aside the nonsuit, or for a new trial. The nonsuit was directed, under the stat. 2 & 3 Vict. c. 71, section 53, which provides that no action, &c. shall be commenced against any person, for anything done or omitted to be done in pursuance of the act, or in execution of the powers or authorities under the act, unless such action shall be brought within three calendar months next after the act committed. If then the defendants derived their authority from the statute 2 & 3 Vict. c. 71, it is conceded that the action was brought too late — *Hazeldine v. Grove* (1), *Eliot v. Allen* (2). But if the defendants did not derive their authority from the stat. 2 & 3 Vict. c. 71, then the action might still be brought against them at any time within six months, according to the stats. 24 Geo. 2. c. 44. s. 8, and 10 Geo. 4. c. 44. s. 41. The 10 Geo. 4. c. 44. is incorporated with the 2 & 3 Vict. c. 71, by section 55. of the last-mentioned act; but there is no provision in the 2 & 3 Vict. c. 71. repealing the 10 Geo. 4. c. 44. Now, the defendants were not appointed under the 2 & 3 Vict. c. 71: they derived no authority from it. They would have had no power to act but for the stat. 3 & 4 Vict. c. 84. s. 6, which enacts, that any two Justices, having jurisdiction within the metropolitan police district, shall, while sitting together (within certain limits), have all the powers, privileges, and duties which any one Magistrate of the said police courts has while sitting in one of those courts, by the 2 & 3 Vict. c. 47, and the 2 & 3 Vict. c. 71. The defendants were not acting under the powers of the 2 & 3 Vict. c. 71, and are, therefore, not entitled to the protection of that statute. Next, these Metropolitan Police Acts are local and personal acts, within the meaning of the stat. 5 & 6 Vict. c. 97; and the defendants are, therefore, deprived of the limitation of three months by section 5. of that statute, which enacts, that "the period within which any action may be brought for anything done under the authority or in pursuance of any

such act or acts, shall be two years, &c.; and that so much of any enactment by which any other time or period of limitation is appointed is hereby repealed." The 10 Geo. 4. c. 44. contains a clause (44th) enacting that it shall be deemed to be a public act, and shall be judicially taken notice of as such, without being specially pleaded. Although technically prevented from being a private act, this clause shews it not to be a public general act in the estimation of the legislature. It is, at all events, a public act of a local and personal nature, within the scope and preamble of the 5 & 6 Vict. c. 97. s. 5. — *Cock v. Gent* (3), *Richards v. Easto* (4).

Cur. adv. vult.

LORD DENMAN, C.J., (Nov. 20,) delivered the judgment of the Court. — *Hazeldine v. Grove* decided, that if the plaintiff had been committed by a Police Magistrate, under the 2 & 3 Vict. c. 71, his right of action would be barred at the end of three months. The defendants had not been so appointed, but were two Magistrates acting under the 3 & 4 Vict. c. 84. s. 6, by which it is provided, that two Magistrates of the county sitting together publicly, in certain parts of the Metropolitan Police district, shall have all the powers, privileges, and duties of any one Magistrate of the police courts of the metropolis. The defendants, therefore, having all the privileges of a Magistrate of the police courts, given by the stat. 2 & 3 Vict. c. 71, had the privilege of the limitation of three months upon any action against them, which a Police Magistrate would have had. It was contended, secondly, that the Metropolitan Police Acts are acts local and personal, or of a local and personal nature, within the meaning of the 5 & 6 Vict. c. 97, and so that the defendants are thereby deprived of the limitation of three months. But we are of opinion, that the acts in question are not within the 5 & 6 Vict. c. 97. They are classed with the "public and general acts," and not with the "public local and personal acts," according

(1) 3 Q.B. Rep. 997; s. c. 12 Law J. Rep. (N.S.) M.C. 10.

(2) 1 Com. B. R. 36; s. c. 14 Law J. Rep. (N.S.) C.P. 136.

(3) 12 Mee. & Wels. 234; s. c. 13 Law J. Rep. (N.S.) Exch. 24.

(4) 15 Ibid. 244; s. c. 15 Law J. Rep. (N.S.) Exch. 163.

to the division directed by the houses of parliament, as mentioned in *Richards v. Easto*; and they are not, in our judgment, of a local and personal nature, within the meaning of 5 & 6 Vict. c. 97, considering the public importance of the rights involved in them, and the generality of their application in all districts within the Metropolitan Police Acts. There will, therefore, be no rule in this case.

Rule refused.

1846. { *In the matter of the PARISH OF*
June 11. • *ST. MARY ABBOTT'S, KENSINGTON.*

Poor Law Commissioners—Order for building a Workhouse—Guardians—Union—Single Parish.

The parish of M. was, by virtue of an order of the Poor Law Commissioners, governed by a distinct board of guardians:—Held, that the Commissioners had authority to order the purchase of land, and the building of a workhouse thereon for such parish, with the consent of the majority of the guardians, as directed by 4 & 5 Will. 4. c. 76. s. 23.

This was an application for a *certiorari*, to remove into this court the following order of the Poor Law Commissioners:—

“Parish of St. Mary Abbots, Kensington.

“To the guardians of the poor of the parish of St. Mary Abbots, Kensington, in the county of Middlesex; to the clerk or clerks to the Justices of the petty sessions, held for the division or divisions in which the said parish is situate, and to all others whom it may concern. We, the Poor Law Commissioners, by and with the consent of the majority of the guardians of the poor of the parish of St. Mary Abbots, Kensington, in the county of Middlesex, testified in writing, at the foot of a duplicate of this instrument, and in pursuance of the power given to us in and by an act passed in the fifth year of the reign of his late Majesty King William the Fourth, intituled ‘An act for the amendment and better adminis-

tration of the laws relating to the poor in England and Wales,’ do hereby order and direct, first, that the guardians of the poor of the said parish shall purchase of the owner or owners of the same, the land described in the margin hereof (1), for a sum not exceeding 4,000*l.*; secondly, that such land shall be duly conveyed to the guardians of the poor of the said parish and their successors, and shall be appropriated, when so conveyed, for the purpose of building the workhouse hereinafter ordered to be built, and for such other purposes relating to the relief of the poor of the said parish, as the said guardians, with the consent of the Poor Law Commissioners, shall direct; thirdly, that the said guardians shall, within twelve calendar months from the date hereof, build or cause to be built upon the said land, a workhouse for the common use of the said parish, of a size sufficient to hold 400 persons, men, women, and children, properly classified, and to be built according to such plan as the Poor Law Commissioners shall approve (such approval to be testified by some writing under their hands and seal, subject, nevertheless, to such modifications thereof as they may hereafter direct; fourthly, that the cost of building such workhouse shall not exceed the sum of 9,000*l.*; fifthly, that the said sum of money to be paid for the purchase of the said land hereby ordered to be purchased, and the said sum of money so to be expended in building such workhouse as aforesaid, or such part or parts of the said respective sums as may from time to time be required for the purposes aforesaid, may be borrowed by the said guardians, and be secured by a charge on the poor-rates of the said parish, in manner provided by the said act; and we do authorize the said guardians to borrow the said sums, and charge such rates accordingly.

“Given under our hands and seal of office, this 21st day of March, A.D. 1846.

(Signed) George Nicholls.
G. C. Lewis.
Edmund W. Beard.”

(1) Four acres of land, being part of a piece of land, containing eight acres, in the parish of St. Mary Abbots, Kensington, adjoining Knight's Lane, belonging to Robert Gunter, Esq., in the occupation of Foster, market gardener.

The affidavits, on which the writ was applied for, stated that the parish of St. Mary Abbots, and other parishes, were by an order of the Poor Law Commissioners of the 12th of January 1837, formed into an union, called the Kensington Union; and that by a subsequent order of the Commissioners, of the 10th of March 1845, was separated from the Kensington Union, St. Mary Abbott's; and by another order of the same date, it was ordered, that this parish should be governed by a distinct board of eighteen guardians.

The objection to the present order was, that as the parish of St. Mary Abbots did not form part of an union, the order was bad on the face of it, for not purporting to have been made with the consent of the majority of the rate-payers and owners of property in the parish entitled to vote according to 5 & 6 Will. 4. c. 76. s. 23. (2).

(2) The Poor Law Amendment Act, 4 & 5 Will. 4. c. 76. s. 23. enacts, "That it shall be lawful for the said Commissioners, and they are hereby empowered, from time to time, when they may see fit, by any writing under their hands and seal, by and with the consent, in writing, of a majority of the guardians of any union, or with the consent of a majority of the rate-payers and owners of property entitled to vote in manner hereinafter prescribed, in any parish, such last-mentioned majority to be ascertained in manner provided in and by this act, to order and direct the overseers or guardians of any parish or union not having a workhouse or workhouses, to build a workhouse or workhouses, and to purchase or hire land for the purpose of building the same thereon, or to purchase or hire a workhouse or workhouses, or any building or buildings for the purpose of being used as or converted into a workhouse or workhouses; and, with the like consent, to order and direct the overseers of any parish or union, having a workhouse or workhouses, or any building or buildings capable of being converted into a workhouse or workhouses, to enlarge or alter the same, in such manner as the said Commissioners shall deem most proper for carrying the provisions of this act into execution; or to build, hire, or purchase any additional workhouse or workhouses, or any building or buildings, for the purpose of being used as or converted into a workhouse or workhouses, or to purchase or hire any land for building such addi-

Martin (with whom was *Charles Clark*) on moving for the writ, contended, that as St. Mary Abbott's was a separate parish, the 23rd section would clearly give no power to a majority of the guardians; and that the 38th section, which defines the power of the guardians, only gives them power to act as a board, except in a few specified cases; and although the 39th section gives a power to a board of guardians in cases where they are appointed for a single parish, yet they, in like manner, can only act as a board—*The Queen v. the Justices of Surrey* (3), *The King v. the Justices of Warwickshire* (4), *The Queen v. the Inhabitants of Lambeth* (5), and *The Queen v. the Churchwardens of St. Mary, Southampton* (6); and the difficulty arising from the distinction taken in the 23rd section, between a union and a parish, was therefore not removed by the

tional workhouse or workhouses thereon, of such size and description, and according to such plan, and in such manner as the said Commissioners shall deem most proper for carrying the provisions of this act into execution; and the overseers and guardians, to whom any such order shall be directed, are hereby authorized and required to assess, raise, and levy such sum or sums of money as may be necessary for the purposes specified in such order, by such powers, ways, and means as are now by law given to or vested in churchwardens and overseers or guardians of the poor for purchasing or hiring land, or for building, hiring, and maintaining workhouses for the use of the poor, in their respective parishes or unions, or to borrow money for such purposes under the provisions of this or any other act or acts."

Section 38. provides for the constitution and election of a board of guardians for parishes united by order of the Commissioners.

By section 39, when the Commissioners shall, by an order, &c., direct that a single parish should be governed by a board of guardians, then such board shall be elected and constituted, and authorized and entitled to act for such single parish in like manner, in all respects, as in by the act provided in respect to a board of guardians for united parishes.

(3) 13 Law J. Rep. (N.S.) M.C. 86.

(4) 6 Ad. & El. 873; s. c. 6 Law J. Rep. (N.S.) M.C. 113.

(5) 14 Law J. Rep. (N.S.) M.C. 133.

(6) Ibid.

operation of the 39th section; and that the 38th section might even be considered as repealing the 23rd, the two being inconsistent.

Cause was to have been shewn, in the first instance, by—

Sir F. Thesiger (Attorney General), Sir F. Kelly (Solicitor General), and Tomlinson, on behalf of the Poor Law Commissioners, but they were not called upon.

LORD DENMAN, C.J.—It appears to me not to be necessary to do violence to the words of the statute, in order to make it clear that the motion ought to be refused. We have but to look at the express words of the sections already referred to. By s. 23, the commissioners may by and with the consent in writing of a majority of the guardians of any union, or with the consent of the majority of the rate-payers and owners of property entitled to vote, &c. in any parish, order and direct the overseers or guardians of any parish or union not having a workhouse to build a workhouse. I quite agree, that this section is to be construed as to these two classes of cases, *reddendo singula singulis*. Two modes are mentioned of the consent being given. A parish may be in such a state as to require a majority of the rate-payers to consent; but that evidently must be the case only where there is no board of guardians. Then the 39th section distinctly specifies and provides for the case when there is such board of guardians for a single parish. It comes to the same thing as if there were three classes of cases provided for in the 23rd section; and when the two sections are read together, the words are too clear to leave any doubt. The rule must be discharged.

PATTESON, J.—I quite adhere to the distinction taken between the powers of a board of guardians and of single guardians. The 38th section, indeed, where it confines the power of the guardians to matters which are transacted at a board, excepts cases in which "it is otherwise ordered by the commissioners:" so that even those words alone might seem to give the commissioners power to order otherwise in this case. But the real question is,

whether the 39th section does not put the parish exactly in the same situation as if it were an union with reference to the proceedings of the guardians. The words of that section contain no restriction or qualification. If then, when parishes are formed into an union, the consent of the majority of the guardians binds such union, I do not see how it is possible to take this case out of the operation of the 23rd section. It becomes a case in which, within the meaning of the 21st section, power is expressly given to the commissioners to order the purchase of the land and the building of the workhouse.

Rule discharged, with costs (6).

1846. }
Nov. 16. } TENNANT v. BELL.

Overseers — Penalty for refusing Copy of Rate — 17 Geo. 2. c. 3. — Reasonable Time.

It is a question for the jury, whether an overseer upon whom a demand has been made for a copy of the poor-rate, under the stat. 17 Geo. 2. c. 3, has complied with the demand within a reasonable time.

Debt for penalties. The declaration was framed upon the stat. 17 Geo. 2. c. 3. ss. 2. & 3, against the defendant, as overseer of the township of Kirby Lonsdale, for not giving a copy of the rate "upon demand, forthwith" to the plaintiff, an inhabitant of the township.

Plea—Never indebted.

At the trial, before Wightman, J., at the last Assizes for Westmoreland, it appeared that the rate in question had been published on Sunday the 18th of October. On the following Friday, October 24th, the plaintiff demanded of the defendant a copy of the rate. The defendant said he had not time to furnish a copy then, but that the plaintiff might have one when they had done their work—viz. when they had done collecting the rate. On the 29th of October, no copy having been applied for or furnished in the interim, the plaintiff went to the house

(6) See ss. 106, 107.

of the defendant, who was then absent from home, and on the same day, the plaintiff wrote by post for the writ in the present action, which issued on the 30th of October. The learned Judge left it to the jury to say, whether, under all the circumstances, the defendant did "neglect" to give a copy of the rate "forthwith"—stating, that the word must have a reasonable construction, and that it was for the jury to say, whether a reasonable time for giving the copy had elapsed before the action was commenced. Verdict for the defendant.

Pashley (Nov. 6,) moved for a rule nisi for a new trial, on the ground of misdirection.—The construction of an act of parliament is matter of law for the Court, not for the jury. It was for the Judge, therefore, to have decided as to the meaning of the word "forthwith," in this statute.

[WIGHTMAN, J.—If it was a matter for my decision, and not for the jury, then I am of opinion, that there was no neglect to furnish a copy forthwith. The plaintiff was bound to demand the copy: it was no part of the defendant's duty to send it to the plaintiff. And if the Court should be of opinion, that the jury came to a right conclusion, why should there be a new trial? Such an objection is generally founded on the supposition, that the Court is dissatisfied with the finding of the jury; but if the Court agrees with the jury, and would have decided in the same way, if the question be one for the Court to decide, the reason for a new trial ceases.]

If at the trial the Judge had directed the jury, that there had been no neglect to furnish a copy forthwith, that would have been a misdirection. It would have been at variance with the direction of Pateson, J., in *Tennant v. Creston* (1), upon precisely the same facts. "Forthwith" excludes the intervention of all delay. *The Queen v. Robinson* (2), *Grace v. Clinch* (3).

[LORD DENMAN, C.J.—Suppose the defendant, at the time the plaintiff applied,

was engaged in making out lists for other applicants.]

In every case where a party is required to do an act (without being required to do it forthwith), a reasonable time is allowed for the performance of it. To hold that he is also entitled to such reasonable time as a jury may think proper to allow, in cases where the statute requires the act to be done forthwith, is, in truth, to render that word altogether inoperative.

[COLERIDGE, J. referred to *Spenceley v. Robinson* (4).]

That case was decided upon the facts. There the copy was made out on the night it was demanded, and delivered to the plaintiff early the following morning. Reasonable time, like reasonable cause, indeed reasonableness generally, is always a matter of law, for the decision of the Court—*Com. Dig.* tit. 'Temps,' (D.) *Panton v. Williams* (5), *Scheibel v. Fairbairn* (6), *The King v. Oneby* (7), *Darbishire v. Parker* (8), *Anderson v. the Royal Exchange Assurance Company* (9).

Cur. adv. vult.

LORD DENMAN, C.J. (Nov. 16,) delivered the judgment of the Court.—We have consulted my Brother Pateson, and he says, that in *Tennant v. Creston*, he did not lay it down as matter of law, that a copy of the rate had not been given in a reasonable time, but that he left it as a matter on which the jury were to form their opinion upon the facts. This is just the course which my Brother Wightman adopted in the present case; and is in exact conformity with what was done by Bayley, J., in *Spenceley v. Robinson*, who told the jury, that if they thought the defendant had complied with the demand in a reasonable time, the defendant was entitled to a verdict. As to the question of reasonableness in general, we do not feel called on to enter into it.

Rule refused.

(4) 3 B. & C. 658.

(5) 2 Q.B. Rep. 169; s. c. 10 Law J. Rep. (N.S.) Exch. 546.

(6) 1 Bos. & Pul. 389.

(7) 2 Lord Raym. 1485.

(8) 6 East, 3.

(9) 7 Ibid. 38.

(1) 15 Law J. Rep. (N.S.) M.C. 105, reported on another point.

(2) 12 Ad. & El. 672; s. c. 10 Law J. Rep. (N.S.) M.C. 9.

(3) 4 Q.B. Rep. 606; s. c. 12 Law J. Rep. (N.S.) Q.B. 273.

1846. } THE QUEEN v. HARRISON AND
Nov. 23. } OTHERS.

Overseers, Appointment of—Appeal—Mandamus.

The Court will not grant a mandamus to overseers, to produce their appointment for the inspection of a rated inhabitant; the defect suggested in such appointment being properly the subject of an appeal to the Sessions.

A rule had been obtained (before Coleridge, J., in the Bail Court) calling upon the overseers of the township of Kirby Lonsdale to shew cause why a mandamus should not issue, commanding them to produce to J. Tennant, for his inspection, the warrant by which they were appointed. The affidavit of Tennant, upon which the application was made, stated that he was a rated inhabitant of the township; that on the 2nd of April last the Magistrates had signed the appointment of overseers for the township, among others, of one Adam Grundy; that in the belief of the applicant Grundy was not a substantial householder qualified to fill the office of overseer; and that both the Magistrates and the overseers had refused to allow him (Tennant) to inspect the appointment, which he desired to see "for the purpose of questioning the sufficiency and legality thereof." The affidavits in answer to the application stated that Tennant had formerly been assistant overseer of the township, and had been dismissed from that situation after an inquiry before an assistant Poor Law Commissioner, and that in the belief of the deponents the application was intended for the purpose of annoyance.

Godson and Ramshay shewed cause.—The suggested objections are, either that Grundy is not a substantial householder, or that the appointment is bad on the face of it. In either case the applicant has his legal remedy by appeal to the Sessions, where the objections, if they really exist, will be available. The Court, therefore, in its discretion will not grant this unusual application, or condescend to become the ministers of a party, who speculates upon being enabled thereby to discover defects in a document, which may enable him to quash it upon a *certiorari*.

Pashley, contra. — The applicant, as a
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rated inhabitant, has a common law right to inspect this document, independent of any statutory power—*The King v. Arnold* (1). He cannot obtain a *certiorari* for the purpose of quashing the appointment, unless he shews the Court a copy of the document and states the defects apparent upon it: and this he is at present prevented from doing. In *The King v. the Justices of Leicester* (2), there were other means of ascertaining all that the party wanted to know, but in *The King v. Great Farringdon* (3), this Court granted a mandamus to inspect parish accounts.

[COLERIDGE, J.—There was no appeal.]

He cited also *Fox v. Jones* (4), *The King v. Lucas* (5), and *Ex parte Barnes* (6).

LORD DENMAN, C.J.—This is a very unreasonable application. The rule must be discharged with costs.

COLERIDGE, J.—I am sorry I granted this rule. The only objections to this appointment which are suggested are, that the person appointed is not a householder, and that the document is bad on the face of it. Both of these objections may be taken upon appeal to the Sessions. This is merely a fishing application to find out defects.

WIGHTMAN, J.—I entirely agree.

Rule discharged, with costs.

1847. } THE QUEEN v. THE INHABITANTS
Jan. 16. } OF ST. ANNE, WESTMINSTER.

Apprenticeship—Examinations—Ground of Appeal, Sufficiency of—Practice—Objections not reserved in the Special Case.

The examinations on which an order of removal was made, stated that the pauper was, with his own consent, (his parents being dead), bound apprentice by indenture, dated, &c., which was duly stamped and executed by the parties thereto. The indenture was shewn to be lost:—Held, that it

(1) 4 Ad. & El. 657; s. c. 5 Law J. Rep. (n.s.) M.C. 74.

(2) 4 B. & C. 891.

(3) 9 Ibid. 541; a. c. 8 Law J. Rep. M.C. 1.

(4) 7 Ibid. 732; s. c. 6 Law J. Rep. K.B. 131.

(5) 10 East, 235.

(6) 2 Dowl. P.C. n.s. 20.

sufficiently appeared that the binding was not a parish binding.

Under a ground of appeal, stating that notice of chargeability accompanied by a copy of the order and examinations, had not been sent to the appellant parish, in conformity with the statute, an objection that the notice of chargeability sent was accompanied by an imperfect copy of the order cannot be raised. Where a case is granted by the Sessions the party taking it must rely on the objections there stated, or may abandon the case and rely on such other objections as may be raised on a certiorari, but he cannot do both.

On an appeal to the Middlesex Quarter Sessions, against an order, under the hand and seal of B. Combe, Esq., one of the Magistrates of the police courts of the metropolis, sitting at, &c., for the removal of Maria, the wife of James William Jones, and her two children, from the parish of St. Pancras to the parish of St. Anne, Westminster, the Sessions confirmed the order, subject to the opinion of this Court on a case, which set out the examination of Edward Jones, the uncle of the pauper's husband, who stated, "the said J.W. Jones is now about the age of twenty-eight years; that in or about the month of May 1831, he was, by and with his own consent, (his parents being dead,) bound by indenture of apprenticeship, bearing date in or about the month of May 1831, which was duly stamped and executed, to serve R. M. Scott, of Dean Street, Soho Square, in the parish of St. Anne, in the liberty of Westminster, in the county of Middlesex, cabinet-maker, as an apprentice, for the term of six years from thence next following. I attended, on behalf of my said nephew, when he was so bound. I saw the said indenture executed by the parties thereto, who did severally sign, seal, and deliver the same in my presence, to which I did then set and subscribe my name as subscribing witness, attesting the execution thereof." The examinations shewed that the indenture was lost, and that search had been made for it. The following grounds of appeal were relied on by the appellants: first, that the said order is bad and defective, on the face thereof: secondly, that the examinations on which the said order was made, are wholly insuffi-

cient to support the same, and fail to disclose any such facts as shew either the said Maria Jones, or her supposed husband, to have a settlement in our said parish of St. Anne, Westminster; that the said examinations are wholly bad and insufficient, inasmuch as they neither shew who were the parties to the supposed indenture of apprenticeship therein named, nor do they shew whether the said indenture of apprenticeship (if a parish apprenticeship) was signed and sealed by the parish officers, and allowed by Justices of the Peace as by law required: thirdly, that notice in writing of the said paupers being chargeable to or relieved in your said parish of St. Pancras, accompanied by a copy or counterpart of the said order, or by a copy of the examinations on which the said order was made, has not been sent by post or otherwise to us, the churchwardens and overseers of the poor of the said parish of St. Anne, Westminster, or any of us, in conformity with the provisions of the statute in that behalf. The appellants, on the hearing, insisted that the examinations were bad, for the reasons specified in the third (1) ground of appeal; the Court overruled this objection, and held the examinations good, subject to the opinion of the Court of Queen's Bench. It appeared to the Sessions that the only notice in writing of the said paupers being chargeable to or relievable in the parish of St. Pancras, which had been sent by post or otherwise to the parish officers of St. Anne, Westminster, had been accompanied by what purported to be a copy of the order, but that such document, instead of containing a true transcript of the words of the said order, wholly omitted the name of one of the children in the adjudication. The appellants, on these facts, objected that the respondents had not complied with the provisions of the statute, and that the order ought to be quashed. The Sessions overruled this objection, subject to the opinion of the Court of Queen's Bench. If the Court of Queen's Bench should be of opinion that the said examinations were insufficient, for the reasons stated in the third (1) ground of appeal, or that the defect in the copy of the order of removal accompanying the notice of chargeability, was a

(1) Sic.

good objection, and was sufficiently pointed out in the fifth (1) ground of appeal, then the said order of Sessions and the said order of removal were to be quashed, otherwise the same to stand confirmed (2).

Prendergast, in support of the order of Sessions.—The objection as to the defect in the copy is not pointed out by the ground of appeal, which only raises the question whether the notice of chargeability and copy of the order were in fact sent, not whether the copy was or was not correct. As to the other objection (3), *prima facie* an apprenticeship is presumed not to be a parish apprenticeship; but, if not so, there is enough stated here to shew that the binding was between the parties. It is stated to be by his own consent. (He was then stopped.)

Pashley, *contra*.—As to the apprenticeship, it is at least left in doubt whether this was a parish binding or not. The parties are not stated; and saying that the apprenticeship was bound raises an ambiguity.

[COLERIDGE, J.—Why are we to assume that it was a parish apprenticeship? It is not even stated that the child was a pauper.]

Facts ought to be stated, not merely inferences drawn by the witness. An examination is insufficient which only states facts consistent with the non-fulfilment of the settlement—*The Queen v. St. Sepulchre, Northampton* (4). The statement in *The Queen v. Cumberworth Half* (5), that the binding was by indenture of covenant, goes further than the present case—*The Queen v. Lydeard St. Lawrence* (6), *The*

Queen v. High Bickington (7). Then, as to the copy, the ground of appeal is sufficient; it follows the very words of the statute. The respondents alone are cognizant of what the defect is; and the only mode which is open to the appellants of taking the objection, is, by requiring the respondents to shew that everything has been sent which is necessary. Then as to the objection on the face of the order. It was mentioned when the rule for quashing the order was moved for in open court, and notice was given to the respondents at the same time with the rule to quash the order.

[LORD DENMAN, C.J.—It does not, therefore, follow that you can take the objection now.]

He referred to *The Queen v. Heyop* (8), as shewing that the objection might be raised in this manner.

LORD DENMAN, C.J.—This appears to be an entire innovation. The only points argued in cases set down in the Crown paper are those sent up to us by the Sessions. If we are to permit this, I do not see why we should not do so in every other case. What was said before, that, without notice the Court could not hear the objection, does not imply that they will hear it if notice is given. When the Sessions reserve points for us, we must give them credit for having a good order before them. If, however, upon consideration, we should think Mr. Pashley can take this point, we will hear him on Wednesday. It appears to me there is no ground for questioning what has been done by the Sessions, on any of the objections raised by the case. The statement as to the apprenticeship is sufficient. It is necessary that words should be used in the examinations sufficient to shew a settlement; and there is quite enough in this language to do so. There is no decision rendering it necessary to negative an assumption such as is here put forward. Then, as to the copy of the order which accompanied the notice of chargeability, the Court may see that there are some words left out; but, whether that be so or not, the objection is not well taken. When you say we have no copy, you quite put the other side off from

(1) *Sic*.

(2) The rule for quashing the order of Sessions was moved by Pashley, in the Bail Court, upon a ground independent of those reserved by the case, *viz.*, that the order of removal was insufficient on the face thereof, inasmuch as it did not shew that the Magistrate who made the order had jurisdiction, and notice of this objection was served on the respondents, together with the rule for quashing the order.

(3) It was objected that the numbers affixed to the grounds of appeal in the case, did not correspond with the reference made to them at the conclusion of the case, and the Court decided upon hearing the argument under protest.

(4) 6 Q.B. Rep. 580; s. c. 14 Law J. Rep. (n.s.) M.C. 8.

(5) 5 *Ibid.* 484; s. c. 13 Law J. Rep. (n.s.) M.C. 49.

(6) 11 Ad. & El. 616; s. c. 10 Law J. Rep. (n.s.) M.C. 147.

(7) 3 Q.B. Rep. 790, n.; s. c. 13 Law J. Rep. (n.s.) M.C. 74.

(8) 15 Law J. Rep. (n.s.) M.C. 70.

supposing that you intend to rely on such a point as this. I think the Sessions were quite right in everything, except in reserving a case.

PATTESON, J.—I entirely agree. An indenture, said to be executed between the parties, without more, must be taken to be a common indenture; but this is stated to have been stamped, and parish indentures are not stamped. I think, therefore, that it sufficiently appears not to be a parish binding. As to the other point, it is impossible to say that the objection was pointed out by the ground of appeal, which is, that nothing of the kind, whether correct or not, has been sent. It is manifestly an afterthought that the copy was defective.

COLERIDGE, J.—I am entirely of the same opinion. I do not go into presumptions one way or the other; but as I see it stated that the party has bound himself by indenture, I take it to mean an ordinary binding by indenture, and it is specifically enough described. As to the other point, it was a miserable trick, which I wonder the Sessions gave in to. There is nothing to shew that this point was intended to be relied on by the appellants.

WIGHTMAN, J. concurred.

Order of Sessions confirmed.

On a subsequent day (Jan. 20),—

LORD DENMAN, C. J. stated, that the Court had come to the conclusion that they could not hear an argument upon any points not reserved in the case stated by the Sessions. The result of the practice, as laid down in *The King v. Guildford* (9) is, that a party must either adhere to the case and the points raised there, or else he must abandon it altogether, and rely only upon the points which are raised on the motion for a *certiorari*. But, to prevent mistakes, the Court would probably make a rule on the subject.

BAIL COURT. }
1847. } THE QUEEN v. THE JUSTICES
Jan. 25. } OF SUFFOLK.

Sessions—Appeal, Notice of—Time.

Where sessions are held on certain fixed days at different places for different divisions
(9) 2 Chitt. Rep. 284.

of a county, and the practice of the Sessions is to try all matters arising in each division at the sessions held for that division, the notice and statement of grounds of appeal, under the 4 & 5 Will. 4. c. 76. s. 81, must be given at least fourteen days before the first day of holding the sessions at the first place, and will not be in time if given only fourteen days before the adjourned sessions at which the appeal is to be tried.

It appeared, from the affidavits in the case, that an order, under the hands and seals of Sir H. C. Blake, Bart. and Robert Bevan, Esq., two of Her Majesty's Justices of the Peace for the county of Suffolk, dated the 11th of February 1846, was obtained by the churchwardens and overseers of the parish of Woolpit, in the said county, for the removal of Henry Alexander, his wife and children, from the parish of Woolpit to the parish of Badwell Ash, in the same county; and that the order of removal, with the examination of the pauper and a notice of chargeability, was duly sent by the churchwardens and overseers of Woolpit to the churchwardens and overseers of Badwell Ash. The affidavits proceeded to state, that for the purpose of holding the General Quarter Sessions of the Peace, the county of Suffolk is divided into four divisions, and that the General Quarter Sessions for each of such divisions have been immemorially held on a certain day, and at a certain place in each division, that is to say, on the Monday of the week in which the General Quarter Sessions are by law directed to be held, at Beccles, in the said county, for one of such divisions; on the Wednesday of the said week, by adjournment, at Woodbridge, for another of such divisions; on the Friday of the said week, by adjournment, at Ipswich, for another of such divisions; and on the Tuesday of the following week, by adjournment, at Bury St. Edmunds, for the last of such divisions. That the said several Courts of Quarter Sessions for each of the said divisions are presided over by different chairmen, and different grand and petty juries are summoned and sworn for each of the said courts from the division in which the court is held. That by the practice of the Sessions all appeals against orders of removal or others, are required to be tried at the sessions held for the division in which the

respondent parish is situate, or in which the order or matter appealed against was made or arose, and are required, by the rules thereof, to be entered with the clerk of the peace before 10 o'clock on the first day of the sessions for the respective divisions, and not of the sessions held at Beccles; and all indictments are, by the practice of the Sessions, prepared and tried at the sessions held for the division in which the offence is committed, and not at the sessions held for any of the other divisions; and that, generally, all the business of the General Quarter Sessions for the county is transacted at the sessions held for the division in which the matter arises.

The next sessions for the division in which the parish of Woolpit is situated, after the date of the order of removal in question, and the receipt of it by the churchwardens and overseers of Badwell Ash, were held at Bury St. Edmunds, on the 16th of March, and on that occasion an appeal against the order of removal was entered and respited. On the 20th of June the appellants caused the respondents to be served with a copy of the order of entry and respite, and a statement of the grounds of appeal, with a notice of their intention to try the appeal at the next sessions to be holden at Bury St. Edmunds. The sessions were held at Bury on the 7th of July; and on the appeal being called on for hearing, the counsel for the respondents contended, that the notice of the grounds of appeal had been served too late, and that it ought to have been served fourteen days at least before the 29th of June, which was the day on which the General Quarter Sessions of the Peace for the county were holden at Beccles, and not fourteen days before the day appointed for holding the sessions at Bury. The Court of Quarter Sessions held the objection good, and refused to hear the appeal.

Power (Nov. 3, 1846) obtained a rule nisi for a mandamus, commanding the Justices to enter continuances, and to hear and determine the merits of the appeal.

Prendergast and *Gurdon* shewed cause (Jan. 22, 1847), and cited *The King v. the Justices of Sussex* (1), *The Queen v.*

the Inhabitants of Hindercleave (2), and *The King v. Polstead* (3), to shew that the time must be calculated in reference to the original sessions.

Power, in support of the rule.—The practice is, that if the respondent parish is within a particular division, the appeal is to be tried there; and the question in the case is, whether, under the 4 & 5 Will. 4. c. 76. s. 81, which enacts, that a statement of the grounds of appeal must be sent or delivered to the overseers of the removing parish fourteen days at least before "the first day of the sessions," a notice and statement of grounds of appeal sent fourteen days before the first day on which the sessions are held, at the place where the appeal is to be tried, is sufficient or not. The appeal could not, by the practice, have been tried at Beccles.

[*ERLE, J.*—There would be no doubt if the notice was to be given fourteen days before the trial of the appeal.]

The object of the legislature is to give the parties time to examine into the particulars of the case, and prepare for trial, or abandon the order. If the original sessions only were to be considered, the respondents would have only fourteen days if the appeal was to be tried at Beccles, and twenty-two days if it was to be tried at Bury. According to the practice, the appeal could not come on till fourteen days after the notice. The statute does not say "general," or "quarter," or "original" sessions, although in other provisions it uses those terms. By the interpretation clause of the act, the words, "General Quarter Sessions" are to be construed as including adjourned sessions. Either the word "sessions" must be taken in the restricted sense, and then the notice is in time; or the word in that clause of the act must be taken to include adjourned sessions.

[*ERLE, J.*—The adjournment from day to day is as much an adjournment as from place to place. I think the first day must be taken to be the commencement of the sessions.]

Cur. adv. vult.

(1) 7 Term Rep. 107.

(2) 19 Vin. 356.

(3) 2 Str. 1263.

ERLE, J.—I think the rule ought to be discharged. The notice and statement of grounds of appeal were given on the 20th of June. The sessions began on the 29th of June at Beccles, and were held by adjournment, at Bury, on the 7th of July; and the appeal in question was to be heard at Bury. The statute requires that the statement of the grounds of appeal should be sent or delivered fourteen days at least before the first day of the sessions at which the appeal is to be tried. The question is, whether the notice in this case, which is in time for the adjourned, but too late for the original, sessions is valid. I am of opinion that it is not. I think when the commencement of the sessions generally is to be ascertained, the original, and not any adjourned sessions, must be taken to be intended. The cases of *The King v. Coystan* (4), *The King v. Polstead*, and *The King v. the Justices of Sussex*, are authorities for this construction.

Rule discharged.

1847. } THE QUEEN v. THE INHABITANTS
Jan. 20. } OF ST. PETER'S, DROITWICH.

Lunatic — Settlement — Judgment — Evidence.

An order of settlement and maintenance, under 9 Geo. 4. c. 40, on parish A. of a lunatic pauper, confined in an asylum in parish D, was made in April 1841, and quashed by consent, on appeal.

In September 1841 another order of two Justices was made between the same parishes adjudging the pauper's settlement to be in parish A, and directing the overseers of that parish to repay to the overseers of parish D. the sum of 14l. 2s., for the removal, maintenance, care, &c. of the pauper. This order was appealed against, and confirmed at the Sessions, but the order of Sessions was, on a case reserved, quashed by the Court of Queen's Bench, on the ground that the statute did not empower the Justices to order the reimbursement to be made to the overseers. In January 1845 another order of two Justices was made, adjudging the pauper's settlement to be in parish A, and directing

the overseers of that parish to pay to the keepers of the asylum a weekly sum, for the maintenance, &c. of the pauper. This order having been quashed on appeal by the Sessions, on the ground that the previous order was conclusive between the parishes as to the settlement of the pauper: —Held, that the Sessions were wrong in so deciding, as the judgment of the Court of Queen's Bench, the reasons of which must be taken to be adopted by the Sessions, did not turn on the question of settlement.

On appeal against the after-mentioned order, dated the 23rd of January 1845, by Thomas Grove Smith, John Tulley, and James Pumfrey, three Justices of the Borough of Droitwich, Worcestershire, in the matter of John Hughes, a lunatic pauper, the Sessions, on the 7th of April 1845, quashed the said order, subject to the opinion of her Majesty's Court of Queen's Bench, upon the following

CASE.

The pauper, John Hughes, having become chargeable to the parish of St. Peter, Droitwich, and it having been legally proved to the satisfaction of two Justices for the borough, that the said John Hughes was insane, he was by their order, bearing date the 13th day of April 1841, removed to the house of Messrs. Martin Ricketts and John Burdett Steward, at and in the borough of Droitwich, in the county of Worcester, duly licensed for the reception of insane persons; there being no county asylum or public hospital for the reception of insane persons in the county of Worcester. At that time the place of the last legal settlement of the pauper could not be ascertained; but the said two Justices, on the 29th of April 1841, made another order, by which (after reciting the order of the 13th of April 1841, and that the settlement of the pauper could not, at the date of that order, be ascertained, and that they had proceeded to inquire into the place of his settlement, and had heard evidence therein,) they adjudged the lawful settlement of the pauper to be in the parish of St. Andrew, in the city of Worcester, and ordered the overseers of the said parish of St. Andrew to pay a certain sum for the expenses of the removal of the pauper to

(4) 19 Vin. 356.

the asylum, and to pay weekly to Messrs. Ricketts and Steward such sum for the maintenance of the lunatic pauper as they should be willing to accept, and as should appear to the Justices making the said order to be reasonable. Against this order the churchwardens and overseers of the parish of St. Andrew, gave notice of appeal, with grounds of appeal. The respondents on the 24th of June 1841, sent to the appellants a notice of abandonment of their said order; the appellants entered their appeal; and, at the sessions, held June 28th 1841, the order of 29th of April 1841 was quashed by consent, generally, with 40s. costs. The pauper remained in the said licensed house, under the order of the 13th of April 1841, at the expense of the parish of St. Peter, until the 24th of September 1841, when the Rev. John Topham and Richard Frances, Esq., two other Justices in and for the said borough of Droitwich, proceeded to hear evidence as to the settlement of the said J. Hughes, and made an order, by which they adjudged the settlement of the pauper to be in the parish of St. Andrew, and ordered the churchwardens and overseers of the poor of that parish to repay unto William Wyld, one of the overseers of the poor of the parish of St. Peter, for the removal of the pauper to and for his maintenance, medicine, clothing, and care, in the house of the said Messrs. Ricketts and Steward, from the 10th of April 1841 to the date of their order. By the same order they further directed the churchwardens and overseers of St. Andrew's to pay to Messrs. Ricketts and Steward from the date of their order the weekly sum of 12s. for the future maintenance, clothing, and care of the pauper. Against the last-mentioned order the parish of St. Andrew appealed, and gave a notice, pursuant to the statute 9 Geo. 4. c. 40, together with the grounds of such appeal, which raised the objections afterwards relied on at the hearing of the appeal against such order. At the hearing of that appeal, at the Sessions for the county of Worcester, in October 1841, it was admitted that the adjudication in the order of the 24th of September 1841, was upon the same settlement as in the order of the 29th of April 1841. The appellants then contended, that the order of Sessions of June 28, 1841, quashing the order of Justices of

the 29th of April 1841, generally, was conclusive as between the appellants and respondents as regarded the settlement and maintenance of the pauper, and that parol evidence was inadmissible to shew that the order was not quashed on the merits. The Sessions, however, received parol evidence as to the grounds on which the former order was abandoned and quashed; and as it appeared to the Sessions that it was abandoned and quashed for defects on points of form, and not upon the merits, the Sessions were of opinion that the order of the Sessions on the 28th of June 1841, was not conclusive between the parties, and proceeded to hear the appeal. The appellants next objected that the respondents ought to have sent to the appellant parish notice of the removal of the pauper, and a copy of the examination on which such removal and the adjudication of the settlement and order of maintenance was obtained, according to the provisions of the statute 4 & 5 Will. 4. c. 76. s. 79. The Sessions overruled this objection. The appellants contended, thirdly, that the said order of Justices of the 24th of September 1841, was bad on the face of it, inasmuch as it directed the repayment of 14*l.* 2*s.* by the churchwardens and overseers of St. Andrew's, to William Wyld, one of the overseers of St. Peter's, instead of directing the said money to be repaid to the treasurer of the county of Worcester, according to the statute 9 Geo. 4. c. 140. This objection the Sessions also overruled, and, after hearing evidence, confirmed the said order of the 24th of September 1841, subject to the opinion of the Court of Queen's Bench upon a case which they directed to be stated for the opinion of that Court. The case comprised the facts above mentioned, and concluded thus:—"First, if the Court of Queen's Bench shall be of opinion that the Court of Quarter Sessions were bound, under the circumstances, to treat the judgment of the Sessions of June 28, 1841, by which the first order of Justices of the 29th of April 1841, was quashed, as conclusive between the parties, then the order of Sessions of October 1841 to be quashed. Secondly, if the Court of Queen's Bench shall think the respondents were bound to send a copy of the examination and notice of the removal of the pauper to the appel-

lants, then the order of the Sessions is to be quashed. Thirdly, if the Court of Queen's Bench shall think the order of the 24th of September 1841, bad on the face of it, as directing the sum of 14*l.* 2*s.* to be paid to William Wyld, instead of to the treasurer of the county of Worcester, then the order of Sessions is to be dealt with as the Court of Queen's Bench shall think fit." The case so stated for the opinion of the Court of Queen's Bench was argued in Michaelmas term, 1842, when the respondents' counsel contended, that if the Court should think the order of the 24th of September 1841 bad, for the reason assigned in the third objection only, the Court of Queen's Bench might quash the order, so far as it related to the repayment of the sum of 14*l.* 2*s.*, and confirm it as to the residue thereof. In Easter vacation in 1843, the judgment of the Court of Queen's Bench upon the case so submitted to them was delivered by Mr. Justice Williams (1), who, after recapitulating the facts, proceeded to state, "We do not consider it to be needful to enter into the different objections taken on behalf of the appellants, because there is one which seems to us clearly fatal to the order. In the case just disposed of (2), we had occasion to advert to the different sections of the act regulating the manner of making reimbursements in these cases, and the person to whom it is to be made, and in none of these is there any provision enabling the Justices to direct the sum to be reimbursed to be paid to the overseer of the parish or place to which the pauper lunatic may have been chargeable. Inasmuch, therefore, as the jurisdiction depends entirely on the statute, and it is not given to them in the form adopted, we think that the order of Sessions cannot be sustained, and that it must accordingly be quashed."

During these proceedings, and up to and on the 23rd of January 1845, the pauper remained insane, and was confined in the said licensed house, under the order of the 13th of April 1841, at the cost of the parish of St. Peter. On the 23rd of January 1845, Thomas Grove Smith, John Tilley, and John Pumfrey, three Justices of the

peace acting in and for the borough of Droitwich, made an order, by which, after reciting the order of Justices of the 13th of April 1841, and that the pauper had been, under the said order, conveyed to the said licensed house; and that from the 13th of April 1841, until the said 23rd of January 1845, the pauper had been, and then was an insane person, confined under the said order, at the cost of the said parish of St. Peter; and reciting, also, that the legal settlement of the pauper had not been ascertained, the said Justices adjudged the place of the last legal settlement of the pauper lunatic to be in the parish of St. Andrew, Worcester, and did order the churchwardens and overseers of the parish of St. Andrew to pay to the keepers of the said licensed house from the date of that order, the sum of 9*s.* weekly, for the future maintenance of the pauper during his continuance in the said licensed house. Against this order the churchwardens and overseers of St. Andrew's, Worcester, duly appealed, and served notice of grounds of appeal. At the trial of the appeal on the 7th of April 1845, the appellants contended, under a ground of appeal, which duly raised the objection, that the judgment of the Court of Queen's Bench quashing the former order of Sessions was, under the circumstances above stated, conclusive between the parties. The respondents contended, that, as the judgment of the Court of Queen's Bench was grounded upon the informality of that part of the order of Justices of September 1841, which directed the repayment of 14*l.* 2*s.* to the overseers of the respondent parish, such judgment of the Court of Queen's Bench was not conclusive between the parties, as to the settlement of the pauper. The Sessions, however, after argument, decided, that they were bound by the judgment of the Court of Queen's Bench as conclusive between the parties as to the settlement of the pauper, and quashed the last-mentioned order accordingly, subject to the opinion of this Court. If Her Majesty's Court of Queen's Bench should be of opinion that the judgment of the Court of Queen's Bench was conclusive as to the settlement of the pauper, so as to prevent the said parish of St. Peter from obtaining a fresh order, as against the said parish of St. Andrew, and giving evidence in support of it,

(1) 4 Q.B. Rep. 735.

(2) *The Queen v. Pixley*, 4 Q.B. Rep. 711; s. c. 12 Law J. Rep. (N.S.) M.C. 87.

then the order of Sessions was to be confirmed. If the Court should be of a contrary opinion, the said order of Sessions was to be quashed, and the order of Justices of the 23rd of January 1845 was to be confirmed.

Martin and Beadon, in support of the order of Sessions.—It may be difficult to say, that the judgment of this Court in *The Queen v. the Inhabitants of St. Andrew's, Worcester* (3), affected the merits of the settlement: but the Sessions could not look to the reason given by this Court for their judgment; all that they can take notice of, is an order quashed without any special entry of "not on the merits:" that is conclusive — *The Queen v. the Inhabitants of Church Knowle* (4). The case of *The Queen v. the Inhabitants of St. Andrew's, Worcester*, was reserved by the Sessions, and specially provided, that if the Court thought that the order was bad for directing the sum of 14*l.* 2*s.* to be repaid to the overseer instead of to the treasurer, it was to be dealt with "as the Court should think fit." The respondents should have taken care that the order was not quashed generally.

[COLERIDGE, J. — If the judgment is general, the grounds of it may be inquired into.]

Secondly, if the Sessions were right in taking into consideration what passed on the decision of the former case, still it appears that there were other questions raised for consideration, one of which was the conclusiveness of the first order.

[COLERIDGE, J.—That only shews that there were some materials for a judgment on the merits; but the Sessions clearly adopt all that has been said by this Court.]

Bodkin, Whitmore and Selfe, contra, were not called upon.

LORD DENMAN, C.J.—The only question put to us is, whether our judgment on the last order of Sessions is conclusive of the place of settlement? I can well consider anything to be conclusive, which was at the time so held at the Sessions; but if it is put to us, whether the judgment of this Court, in the former case, is conclusive or

not, one cannot read that judgment without seeing that it was on a ground which had nothing to do with the question of settlement. Besides, this is a case which arises on the 9 Geo. 4. c. 40. s. 42, which enables the Justices "at any time" to inquire into the settlement of an insane pauper, so that it does not raise the question of estoppel.

PATTERSON, J.—I am of the same opinion. It seems to me, that in the case of *The Queen v. the Inhabitants of Church Knowle*, the propriety of quashing the first order was not the question raised for the consideration of the Court, and it was treated as quashed generally. In this case it is true that in the case which was brought up before, with respect to this pauper, one of the points raised was, that the first order was conclusive; but the specific ground on which we decided excluded all question of the place of settlement.

COLERIDGE, J.—In this case, there can be no doubt whatever that the Sessions were wrong in holding that the judgment of this Court, quashing the former order of Sessions, was conclusive between the parties as to the settlement. I should be sorry, indeed, that anything which fell from the Court should operate to prevent inquiry being made at any time as to the settlement of lunatic paupers, as many questions may arise under different circumstances. In this particular case, however, there can be no room for doubt.

WIGHTMAN, J. concurred.

Order of Sessions quashed.

1847. { THE QUEEN v. THE INHABITANTS OF ST. ANNE'S, WESTMINSTER.
Jan. 20.

Appeal—Quashing Order of Removal "not on the Merits"—Estoppel.

An order of removal of a pauper from parish P. to parish A. was quashed on appeal, with a special entry of "not on the merits, and without prejudice to the making of any other order for the removal of the pauper," &c.

A subsequent order of removal from P. to A. (no new settlement having been gained) was made and appealed against, and the

(3) 4 Q.B. Rep. 729.

(4) 7 Ad. & El. 471; s.c. 7 Law J. Rep. (N.S.) M.C. 4.

grounds of appeal set up the quashing of the former order:—Held, on a case reserved, first, that the special entry prevented the former order from operating as an estoppel between the parishes. Secondly, that the appellants could not give evidence to shew that, notwithstanding such special entry, the question decided by the Sessions affected the merits of the settlement.

On an appeal against an order, dated the 30th of November 1844, for the removal of George Wood from the parish of St. Pancras to the parish of St. Anne, Westminster, in the county of Middlesex, the Sessions confirmed the order, subject to the opinion of this Court on a case, which stated, that when the appeal came on to be heard the appellants relied upon two grounds of appeal, the first of which set out an order of removal of the said George Wood from St. Pancras to St. Anne's, dated the 21st of March 1844, which was appealed against, and that the appeal was tried at the Middlesex Sessions, held on the 4th of November 1844, when an order of Sessions was made, that the said order of removal should be quashed, which order of Sessions is in full force, and that the said George Wood had since done no act to gain a settlement, wherefore the churchwardens and overseers of St. Pancras were estopped from alleging that the said George Wood was settled in St. Anne's.

The second ground of appeal set out the former order of the 21st of March, and the result of the appeal against it, as before, and alleged that the order of Sessions quashing the said appeal related directly to the settlement of the said G. Wood, and was binding and conclusive, &c.

Upon the hearing of the appeal it was admitted by the respondents that the order of removal, mentioned in the aforesaid grounds of objection, was duly made and appealed against, and that the appeal therein came on to be heard as therein also stated, and that upon the hearing of such appeal the Sessions made the following order, *videlicet*:—"Now the said appeal coming on to be heard, it is (after hearing counsel on both sides) ordered, that the said order of the Magistrate so appealed against be quashed, not upon the merits, without prejudice to the making of any other order for

the removal of the said George Wood from either of the said parishes to the other of them, or to any other parish or place to which he may appear to have become chargeable, and the same is hereby quashed accordingly;" and that since the hearing of the said appeal, the said pauper has not gained any settlement in the appellant parish.

The appellants, upon these facts, insisted that the said order of removal operated as an estoppel between the two parishes, and contended, that the effect of such estoppel was not altered by the special clause inserted in the former order of Sessions. The Court held, that such order did not operate as an estoppel between the parishes, but that the respondents were at liberty to prove their case in like manner as if there had been no previous order made and appealed against. The appellants then offered evidence to shew, that notwithstanding the aforesaid entry of the Quarter Sessions, the question decided by the Court affected the merits of the settlement, and contended, that the then Court of Quarter Sessions could enter into and decide upon the question, whether the former Court of Quarter Sessions had directed a proper entry to be made; and if they should be of opinion that the question then decided did affect the merits of the settlement, ought to quash the order then appealed against. The Court were of opinion that they were bound by the words of the order of Sessions, and that it was not competent for them to inquire into and decide upon the proceedings of the former Court, and refused to hear the evidence.

If the Court of Queen's Bench should be of opinion that the decision of the Quarter Sessions, as to the effect of the former order of Sessions in this case was wrong, and that it did not operate as an estoppel between the two parishes, then the order of removal and order of Sessions confirming the same were to be quashed; but if the Court should be of opinion that such decision was right, and that parol evidence of the point decided on such former occasion was inadmissible, this order of removal and order of Sessions, confirming the same, were to stand affirmed; but if the Court should be of opinion that the decision of the Quarter Sessions, as to the effect of the former order of Sessions

was right, but that evidence was admissible to shew the ground of such entry, and that the then Court of Quarter Sessions could decide thereon, then the case to be remitted to the Sessions to hear and decide on such evidence, &c.

Godson and Howarth appeared in support of the order; but the Court called on—

Pashley, contra.—The question is, whether the words, “not on the merits,” are an absolute estoppel against the appellants on the trial of a subsequent appeal. The Sessions have held that they are conclusive. There is no occasion to dispute the authority of *Ex parte Ackworth* (1).

[COLERIDGE, J.—In that case the Court refused to interfere.]

The Court will not, at all events, give effect to an estoppel, which is, if anything, matter of intendment only. The parties may, in reality, have agreed to try a case on the merits, and then in consequence of a question arising on the stamp laws, a judgment of the Sessions may be given discharging the order. The matter is *res judicata*—*Ourram v. Morewood* (2). The only question is, whether the same facts are now in issue—*Hudson v. Lee* (3), *Doctrina Placitandi*, fol. 65, tit. ‘Bar,’ 6, ‘Acquittal’—*The Queen v. Walker* (4).

[PATTESON, J.—The only question is, whether what the Sessions have said is true?]

Not only so; but what is the meaning of what they have said? Is it to be intended that the words, “not on the merits,” mean that the settlement has not been gone into. A party cannot aver against a record—*Beverley’s case* (5); but may aver anything which stands with the record—*Hynde’s case* (6).

[COLERIDGE, J.—We are now on the meaning of the entry.]

It may have various meanings—*Bedells v. Massey* (7), *Bunnett v. Smith* (8). In

Fisher v. Ogle (9), Lord Ellenborough refused to infer anything from the adjudicative part of a sentence of condemnation; and the same was held in *Dalglish v. Hodson* (10), *Roll. Abr.* 874, *Hales v. Risley* (11).

[COLERIDGE, J.—It is you who seek to give the effect of an estoppel to one part of the finding of the Sessions. May not your own argument be turned against you?]

[PATTESON, J.—If the order had been quashed generally, no doubt it would have been *prima facie* conclusive between the parishes; but even then it might have been shewn to have been quashed not on the merits, the onus of proof being on the respondents to shew that it was not quashed on the merits. In *The King v. Wick St. Lawrence* (12), Parke, J. seems to have said something which may be considered as not quite consistent with this; but all that is said is on the assumption that if it be directly shewn that the decision was not on the merits, it would not have been conclusive, and *vice versa*.]

In *Ex parte Ackworth*, Patteson, J. expressly declines giving an opinion as to what would be the effect of such an entry, if it came in question at a subsequent appeal.

LORD DENMAN, C.J.—We are in this case asked to give effect to an estoppel: that is to say, that we are to hold the Court of Quarter Sessions estopped by their former order. That former order was an order quashing the order of removal; such order of Sessions being accompanied by the words “not on the merits.” Now, the meaning of those words is perfectly intelligible, and not only so, but is a form of words expressly recommended by us for the adoption of Courts of Quarter Sessions, when we gave judgment in the case of *The King v. Wick St. Lawrence*. There can be no doubt, therefore, that the Court of Quarter Sessions also equally understood their meaning when they inserted them. An appeal, therefore, as it appears, comes on at the Sessions, and on some ground or

(1) 3 Q.B. Rep. 398; s. c. 13 Law J. Rep. (N.S.) M.C. 38.

(2) 3 East, 346.

(3) 4 Rep. 43.

(4) 2 Moo. & Rob. 446.

(5) 4 Rep. 124.

(6) Ibid. 70, b.; s. c. And. 286.

(7) 7 Man. & Gr. 630; s. c. 13 Law J. Rep. (N.S.) C.P. 173.

(8) 13 Mee. & Wels. 552; s. c. 14 Law J. Rep. (N.S.) Exch. 47.

(9) 1 Campb. 418.

(10) 7 Bing. 495; s. c. 9 Law J. Rep. C.P. 138.

(11) Pollexf. 396.

(12) 5 B. & Ad. 526; s. c. 3 Law J. Rep. (N.S.) M.C. 12.

other something takes place, which prevents the inquiry into the settlement being gone into, and is, therefore, analogous to a non-suit. It is suggested, that the cause of failure may be the absence of a witness, or the want of a stamp. But we need not go into the question as to what might possibly have been the grounds of the decision of the Sessions. In *Ex parte Ackworth* the Judge did not interfere, though some observation was made as to the meaning of the word "merits"; and there can be no doubt as to the real object of this entry.

PATERSON, J.—If we were to hold that evidence was to be gone into to contradict the entry, we should be misleading all the Courts of Quarter Sessions in the kingdom; for, in *The King v. Wick St. Lawrence*, we recommended such an entry. Are we now to say that it has no meaning? I own, that the form of expression "not on the merits," is one which is not quite satisfactory to my mind, and some doubt may have been occasioned by the unfortunate attack I made on it in the very case of *Ex parte Ackworth*, which has been referred to. I may have looked into the form of words in that case rather too much with the eye of a special pleader; but it is plain what the Sessions meant, and we cannot go into evidence to defeat their finding.

COLERIDGE, J.—All the cases which have been cited by Mr. Pashley shew that we cannot go into evidence to defeat the entry. The only question then is as to the meaning of the words "not on the merits." No doubt, in a popular sense, it may be said, that the expression may bear several meanings; but we must take them as meant to exclude the supposition that the settlement was adjudicated upon. No doubt, also, it is possible that a Court of Quarter Sessions might decide on technical grounds a question which was substantially one of merits; but all we can say is, that in that case they would have done wrong in making such an entry. Are we to presume that they did wrong? It is quite clear that the question was fully brought to the notice of the Sessions; and the further addition of "without prejudice to any future order," &c., made the matter more clear if possible.

WIGHTMAN, J.—I am clearly of the same opinion. Indeed, the cases cited by Mr.

Pashley, and his argument on the doctrine of estoppel, fully satisfy me that the respondents were not estopped from going into their case.

Order of Sessions confirmed.

1847.
Jan. 20.

{ THE QUEEN v. THE INHABITANTS OF WIDDECOMBE-IN-THE-MOOR.

Examinations—Conclusiveness of Order of Sessions—Evidence under general Ground of Appeal—Examination of Prisoner, under 59 Geo. 3. c. 12. s. 28.

The examination set up two grounds of settlement in the appellant parish: first, birth; second, hiring and service. The grounds of appeal set up a former order of removal between the same parishes quashed by the Sessions, and a settlement by parentage, and also traversed the hiring and service, and further alleged that the paupers were not settled in the appellant parish "in any manner whatever." At the trial it appeared, by the minute book of the clerk of the peace, that the former order of removal (mentioned in the grounds of appeal) was quashed "on the ground that the examinations were insufficient to support the order."—Held, that parol evidence was admissible to explain the entry in the minute book, and to shew that the order was not quashed on the merits.

The appellants tendered evidence to shew that the pauper was not born in their parish:—Held, that such evidence was not admissible under the grounds of appeal.

The examination of a prisoner, confined in gaol under sentence of transportation, was taken on the 1st of January 1845, touching his settlement, under 59 Geo. 3. c. 12. s. 28:—Held, not admissible, at the trial of the appeal, in June 1845, without evidence that he was a prisoner at the time it was so tendered.

On appeal at the Devon Midsummer Sessions for 1845, against an order of two Justices, for the removal of Mary Barnett (wife of Richard Barnett, then a prisoner under sentence of transportation, and in custody for the same) and her five children from the parish of Plympton, St. Mary, to

the parish of Widdecombe-in-the-Moor, both in the county of Devon, the Sessions confirmed the order, subject to the opinion of this Court on the following

CASE.

At the trial of the appeal, the respondents set up a settlement gained by Richard Barnett, the husband of the pauper Mary, by hiring and service, in the parish of Widdecombe, in support of which they tendered in evidence the following examination, taken under 59 Geo. 3. c. 12. s. 28, it having been first proved that the said Richard Barnett was, prior to the taking of the said examination, convicted of felony, and was, at the time of the taking thereof, under sentence of transportation for the same; although what had since become of him, save that he was no longer in the Devon county gaol, did not appear.

"Devon, to wit. The examination of Richard Barnett, miner, lately inhabiting the parish of Plympton, St. Mary, in the county of Devon, taken on oath before me, J. S. Pitman, Esq., one of her Majesty's Justices, &c., on the 1st of January 1845, who saith, 'When I was young I lived at home with my parents, in the parish of Widdecombe-in-the-Moor and Lidford, both in the county of Devon aforesaid, until I was between thirteen and fourteen years of age; and then in or about the year 1821, I went to live as a servant to Thomas Chaffe, a farmer, who resided at Quarndon, in the said parish of Widdecombe-in-the-Moor. I at first made a bargain with him for a month upon trial, at the wages of 15*d.* a week, with board and lodging; at the expiration of the month I agreed with my said master to continue with him upon the same terms. I was again accordingly hired by him as his servant. Either party was to be at liberty to quit on giving a month's notice; and I served my said master, under such hiring, in the parish of Widdecombe aforesaid, and dwelt in his house there between two and three years. When I was so hired, and during the whole period of my said service, I was unmarried, and without child or children. On leaving the said Thomas Chaffe's service, I joined my father at Ealsborough Mine, and worked there with him, as a day labourer, three or four years. I never rented to the amount of 10*l.* a year, nor did any

other act, except as aforesaid, whereby to gain a settlement. On or about the 24th of February 1828, I was married, &c. I resided in the parish of Plympton, St. Mary, almost ever since our said marriage, until the month of September last, when I was committed to the Devon County Gaol, and where I have been ever since, and still remain in custody there.'

"Sworn, &c. J. S. Pitman."

The appellants (submitting that the present case could not come within the statute of Geo. 3, and that, at all events, further proof was necessary on the part of the respondents to make it so,) contended, that the said examination was not admissible as evidence, on the hearing of the appeal.

The Sessions held that it was admissible, but granted a case on that point.

The settlement in Widdecombe having been thus put in evidence in support of the order of removal, the appellants then proved that a former order, dated the 17th of September 1844, for the removal of the same paupers on the same settlement was quashed by the Sessions in January 1845. The order made by the Court at the time was entered in the minute book of the clerk of the peace, and put in evidence, at this trial, being as follows:—

"This Court, on the motion of the respondents, and with the consent of the appellants, doth quash the said order, on the ground that the examinations upon which the said order of removal was made are insufficient to support the same, and the said order of removal is hereby quashed accordingly."

Upon this the appellants contended, that the former order having been quashed, was, in fact, quashed on the merits, and that the present order could not be supported.

In answer to this, the respondents tendered parol evidence to explain the entry in the minute book, and to shew that it did not contain the true judgment of the Sessions,—the chairman, in giving judgment, having used the additional words, "and not on the merits."

The appellants objected to the admissibility of evidence for this purpose. The Sessions, however, having received it, held upon the additional evidence, that the former order was not conclusive, it having been quashed for insufficiency of examina-

tion, and not on the merits (if the Court were at liberty to receive any evidence to explain the minutes of the Court), but granted a case on this point also.

A birth settlement in Widdecombe having been also set up by the respondents in the examinations, the appellants then, relying on their grounds of appeal, proposed to prove that Richard Barnett was not born in Widdecombe, but in the parish of Lidford, in the said county.

The material grounds of appeal were in substance as follows:—Second, a former order made by, &c., (setting out the order of the 17th of September 1844, before mentioned, quashed at the Sessions). Third, an order, dated the 9th of January 1821, for the removal of the parents of R. Barnett from Lidford to Wendron, in Cornwall, and not appealed against. Fourth, an order, dated the 3rd of February 1830, for the removal of the mother of Richard Barnett from Sheepston to Wendron, and not appealed against. Fifth, that the mother had been relieved by Wendron, whilst residing out of that parish. Sixth, that the said Richard Barnett had not acquired a settlement in the said parish of Widdecombe by hiring and service with Thomas Chaffe, and by inhabitancy in the said parish in manner and form as set forth in the examination, &c. Seventh, that the said Mary Barnett, wife of the said R. Barnett, and their children, were not, nor was any or either of them, at the time of making the said order now appealed against, settled in the said parish of Widdecombe-on-the-Moor, in any manner whatever.

The Sessions held, that the appellants were not entitled, under these grounds of appeal, to go into the question of the place of R. Barnett's birth, but granted a case on this point; also finding as a fact, if such evidence was admissible, that Richard Barnett was not born at Widdecombe.

The questions for the consideration of the Court were: first, was parol evidence legally admissible to explain the entry in the minute book? If it was not, then the present order of the Sessions was to be quashed. Secondly, if it was admissible, then was the examination of Richard Barnett admissible? If that examination was admissible, the order of Sessions was to be confirmed. If that examination was not

admissible, then was the evidence tendered by the appellants to disprove the birth settlement in Widdecombe admissible? If it was, then the order of Sessions was to be quashed.

Merivale and *Cornish*, in support of the order of Sessions.—First, the respondents were clearly entitled to shew, by parol evidence, that the insufficiency of the examinations was one not affecting the merits. Supposing the appeal had been quashed after a trial, there can be no doubt that it would be competent to the respondents to shew on what ground it was quashed—*The King v. the Inhabitants of Wick St. Lawrence* (1).

[*Rowe*, contra, stated, that the point he intended to raise was, that parol evidence of what the chairman said was not admissible.]

[*COLERIDGE, J.*—But that is a question which the case does not raise.]

In *The Queen v. the Inhabitants of St. Mary, Lambeth* (2), the order was quashed for "insufficiency of examinations for disclosing no settlement," which the Court held conclusive as to the settlement between the parties to the appeal; and in *The Queen v. the Inhabitants of Ellal* (3), the order was quashed, on the ground of the "insufficiency of the examinations" generally; but it appeared in point of fact, that the examinations disclosed no settlement: here, on the contrary, if the evidence is let in, it clearly appears that the insufficiency was matter of form only, and did not decide the settlement. There is nothing in the term "insufficiency" which may not as well relate to form as to merits. Then, secondly, the examination of R. Barnett was properly admitted; he had been sentenced, and it is to be presumed that his sentence was continuing at the time of the trial of the appeal, and the statute makes the examination evidence "for the purpose of any order."

[*LORD DENMAN, C.J.*—The period of his sentence is not mentioned.]

On whom does the onus lie of shewing the continuance of the imprisonment?

[*LORD DENMAN, C.J.*—On you, who

(1) 5 B. & Ad. 526; s.c. 3 Law J. Rep. (N.S.) M.C. 12.

(2) 14 Law J. Rep. (N.S.) M.C. 126.

(3) Ibid.

seek to make that evidence which would not otherwise be so.]

[COLERIDGE, J.—It is for you to make out your right to read the deposition, just as you must prove an order for examining witnesses in a foreign country. Now, the statute 59 Geo. 3. c. 12. s. 28. makes the deposition evidence, “so long only as the person examined shall continue a prisoner.”]

Lastly, there is nothing to defeat the birth settlement set up in the examination. There is no ground of appeal to raise any objection to it in point of fact, or to enable the appellants to set up a birth settlement in a third parish—*The Queen v. the Inhabitants of Hockworthy* (4), *The Queen v. the Inhabitants of Staple Fitzpaine* (5).

W. C. Rowe, contra.—The entry in the minute book is the only entry which the Court can notice; and, if so, unless the Court can inquire into what the chairman said, the entry must be taken as conclusive—*The Queen v. the Inhabitants of Yeoveley* (6).

[LORD DENMAN, C.J.—We have already to-day decided that a general entry is not conclusive (7).]

[WIGHTMAN, J.—The question is, whether evidence is admissible to explain the entry in the minute book.]

It will be said that the former order was quashed with the consent of the appellants. That might have been done with a view of avoiding the expense of witnesses; but the reason of its being quashed cannot now be inquired into—*Reed v. Jackson* (8). Then the only evidence given to explain the entry was evidence of what the chairman said. It is not like the case in which evidence has been allowed of the grounds on which an order has been quashed on appeal, as in *The King v. the Inhabitants of Wick St. Laurence*.

[WIGHTMAN, J.—If enough is stated to shew that parol evidence was given generally to prove that the Sessions did not

decide on the merits, you cannot object that something else is added about what the chairman said.]

[COLERIDGE, J.—Suppose the chairman had given his reasons for saying that the appeal was dismissed not on the merits, could you have said that what he said was not admissible? It would be precisely similar to the case just decided of *The Queen v. St. Peter's, Droitwich*, in which we held that the ground of the decision of this Court might be gone into.]

The best evidence at all events would be the record of Quarter Sessions. As to the second point, the examination of R. Barnett was not admissible at the time the order was made.

[LORD DENMAN, C.J.—On that point the Court is with you.]

Then, lastly, the examinations, in reality, set up two grounds of settlement only, the hiring and service, and the birth settlement. The respondents could not prove the birth settlement; but they contend that the appellants have not denied it. Is that so? The grounds of appeal traverse the facts stated in the examinations as to the other modes in which the examinations would suggest that a settlement was acquired in Widdecombe. The hiring and service being specifically traversed, the birth settlement is the only one remaining; which must be intended to be traversed by the denial of the settlement “in any manner whatever”; and, for that reason, the respondents could not have been misled by the general terms of the seventh ground of appeal. *The Queen v. the Inhabitants of Bedingham* (9) is also an authority, that the general denial of a settlement being gained is sufficient.

[WIGHTMAN, J.—But you can only support this ground of appeal by calling in aid the other grounds.]

LORD DENMAN, C.J.—I think the Sessions were right in receiving evidence on what led to the quashing of the previous order. That finding, in my opinion, binds the parties, but only to the extent that it would have done if the order had been general; and that would have let in anything to shew that it was quashed on a ground which did not raise the question of settlement.

(4) 7 Ad. & El. 492; s. c. 7 Law J. Rep. (N.S.) M.C. 24.

(5) 2 Q.B. Rep. 468; s. c. 11 Law J. Rep. (N.S.) M.C. 38.

(6) 8 Ad. & El. 806; s. c. 8 Law J. Rep. (N.S.) M.C. 9.

(7) *The Queen v. St. Peter's, Droitwich*, ante, p. 38.

(8) 1 East, 355.

(9) 13 Law J. Rep. (N.S.) M.C. 75.

On the second question we have already expressed our opinion, that the statute only confers the right of receiving the evidence so long as the person examined is a prisoner; and the Sessions are, therefore, right. On the third point, it appears that the respondents relied on a birth settlement which, the case finds, was stated in the examinations. The appellants say that the pauper was born somewhere else. Then the question is, do the grounds of appeal, on which you rely, allow you to dispute the fact of the birth in the appellant parish. I think that a particular settlement alleged on the one side cannot, under such a ground of appeal, be disputed by the other. It is merely a statement in general terms, which does not get rid of the precise allegation. I give no opinion as to what may have been said by the chairman.

PATTESON, J.—I am of the same opinion. I am not quite satisfied, indeed, with respect to the entry made by the Sessions. They are not content with quashing the order, but go on to say why; and I own I should have been inclined to construe "insufficient" as meaning "insufficient to support a settlement;" but as they have used ambiguous words, it may perhaps be treated as a general entry: and as, no doubt, in ordinary cases, when the entry is general, a subsequent Sessions may inquire into the grounds of the order of a former Sessions, so here, the ambiguity may well be held a reason for the reception of evidence as to what it related to. On the second question, I fully agree that the 59 Geo. 3. c. 12. s. 28. did not make the examination of the pauper admissible. As to the third question, I own that for some time I did not understand what point was made by the appellants. It is contended that only two modes are shewn by which the pauper could have acquired a settlement in Widdecombe: first, birth; secondly, hiring and service,—the only evidence of which was inadmissible. The grounds of appeal do attempt to meet the question of hiring and service, and also set up the father's settlement, but that was quite immaterial if it could be shewn that R. Barnett was not born at Widdecombe: and therefore these very grounds of appeal seem to shew that the appellants did not intend to rely on his having been born in any other place, but on facts which would shew

that the place of his birth was immaterial; and now, the other grounds of appeal are quite thrown over by them, and they take up the last, which merely states that the pauper "was not settled in Widdecombe in any manner whatever;" but this cannot be considered as a distinct denial of a fact positively stated.

COLERIDGE, J.—I own I am disposed to consider the first point perfectly clear. If the decision of the Sessions is in general terms, the grounds of it may be shewn. That is admitted. But I go further, and say, I think this may be done wherever the decision is such as can admit of its having been on formal grounds only. In this case the ground of the decision is expressly stated to have been "because the examinations were insufficient to support the order." There is no trial, but the defect is on the face of the examinations. The grounds of objection may be permanent, or they may be grounds removeable, such as inhabitancy or chargeability: if so, we may clearly see whether they are grounds which decide the question of settlement or not. As to the last question, I think the spirit of all the former decisions is against our saying that evidence of the birth of the pauper in Lidford was admissible under the last ground of appeal. There are many grounds of appeal; and the last denies that the paupers are settled in Widdecombe in any manner whatever. Mr. Rowe is driven to rest his case upon the application of a process of exhaustion; and to contend that, because all the other grounds of settlement are denied expressly, and the place of birth only remains to be denied, it must be taken to be denied by this last ground of appeal. But it is to be remembered that the process of exhaustion does not begin until the parties come to the Sessions. I was at first struck with the case of *The Queen v. the Inhabitants of Bedingham*, but that case appears to me to have been rightly decided, and is quite consistent with our judgment in this. In that case, besides a hiring and service in the appellant parish, instances of relief by that parish were stated in the examinations, and the grounds of appeal traversed the settlement being gained by hiring and service, "or by any other means." There the appellants were held entitled to shew that relief, which

was proved to have been given by them to the pauper whilst residing out of their parish, was given by mistake; and my Brother Wightman there observes, that "they could not traverse any specific settlement supposed to have been acknowledged by the relief, as such settlement was not stated in the examinations." It would have been most unjust to preclude their explaining away relief which they admitted was, in fact, given.

WIGHTMAN, J.—I am of the same opinion. With respect to the first point, it is said the Sessions were wrong on two grounds: first, it is said that the entry in the minute book is not general, but special, and that the special terms are such as would indicate that the order of removal to which it related was quashed on the merits. If it followed as a necessary consequence from such a form of entry, that the Sessions are to be taken to have determined the question of settlement, there might be much in the objection; but *non constat* that it was not quashed on a point of form, and we may treat it as having been quashed generally. Secondly, it is said that the chairman, when the order of Sessions was made, said that it was not on the merits. If that were so, and that had been the only evidence tendered, it would have been very doubtful whether it was properly received; but the question we have to decide is, whether any evidence whatever was admissible. On the other questions, I agree with the rest of the court.

Order of Sessions confirmed.

1847. }
Jan. 20; } THE QUEEN v. THE INHABITANTS
Feb. 10. } OF EAST STONEHOUSE.

Apprenticeship, Settlement by—Order of Justices for Binding—Secondary Evidence—Register.

The examinations set up a settlement by apprenticeship, and, the indenture being lost, secondary evidence of it was given by the production of the register of parish apprentices, which was regularly kept under the provisions of stat. 42 Geo. 3. c. 46, and contained the entry of the assent of two Jus-

tices to the binding. The Sessions found that it appeared from the examinations that two Justices had allowed, by signing and sealing, an indenture, which recited an order under 56 Geo. 3. c. 139, for binding the apprentice; but they also held that the examinations did not disclose sufficient legal evidence that such an order had been made:—Held, that the Sessions were right in so deciding.

Upon an appeal against an order of two Justices, for the removal of Maria, the wife of William Johns, alias William Smith, a private in the Royal Marines, belonging to Her Majesty's ship *Pandora*, from the parish of East Stonehouse, to the parish of Milverton, both in the county of Devon, the Sessions quashed the order, subject to the opinion of this Court on the following

CASE.

The examinations, which purported to set up a settlement by apprenticeship of William Johns, in the appellant parish, shewed, in the opinion of the Sessions, sufficient search for the indenture of apprenticeship, so that its loss might be presumed, and secondary evidence of the binding might be given, and the examinations, so far as they are material, with reference to the point in this case, were as follows:—

William Johns said, "I resided with my mother, Thomasine Johns, until I was about ten or twelve years of age, when I was bound out as parish apprentice, by the parish officers of Chipstable, in the county of Somerset, to Robert Besley, a farmer, residing in the parish of Milverton, in the said county of Somerset, to serve him until I attained the age of twenty-one years."

Charles Surridge said, "I am one of the overseers of the poor of the parish of Chipstable, in the county of Somerset. I produce a book, being a register of all the poor children bound apprentice or assigned since the 1st day of June 1802 (1), by the overseers of the poor of the parish of Chipstable, in the county of Somerset. At No. 29. of the said book is the record, under date of the 7th day of April 1833, of the

(1) The day on which the 43 Geo. 3. c. 46. came into operation.

binding out one William Smith, a male, aged ten years, described as the bastard child of Thomasine Vicary and William Smith, the mother residing at Chipstable, to Robert Besley, a farmer, residing in Milverton, until he attained the age of twenty-one years. The names of the overseers, parties to the said indenture, were

John Daveys and James Rogers. The Magistrates assenting to the binding, and whose names are affixed, signed by themselves, are John Halliday and L. St. Aubyn."

The following was the extract from the register book, produced by Charles Surridge, and sent to the appellants with and forming part of the examinations :—

REGISTER OF PARISH APPRENTICES.—Parish of Chipstable.
No. 29.

| Date of Indenture. | Name of Apprentice. | Years of Age. | Name of his or her Parents. | Their Residence. | Names of Persons to whom bound or assigned, as the case may be. | His or her Trade. | Term of Apprenticeship or Assignment. | His or her Residence. | Apprentice or Assignment Fee. |
|--------------------|---------------------|---------------|--|--|---|-------------------|---------------------------------------|-----------------------|-------------------------------|
| 7 Apr. 1833. | William Smith. | Ten. | Bastard child of Thomasine Vicary and William Smith. | Mother in Chipstable, Father in Taunton. | Robert Besley. | Farmer. | Until Twenty-one Years of Age. | Milverton. | None. |

Overseers, parties to the indenture of assignment—John Daveys. James Rogers.
Magistrates assenting, signed by themselves—John Halliday. L. St. Aubyn.

Thomasine Vicary said, "My maiden name was Johns. Previous to my marriage to my present husband, I had an illegitimate child, called William Johns: in the year 1833, he was bound as a parish apprentice, by the name of William Smith, (the name of his father,) by the parish officers of Chipstable, to Mr. Robert Besley, a farmer, residing at Hurstone Farm, in the parish of Milverton."

The following was the material ground of appeal:—"that the said examinations whereon the said order was made are bad, because they contain insufficient, illegal, and inadmissible evidence of the apprenticeship therein mentioned, and also of the relief therein stated to have been given to the said M. Johns; and the said examinations were also bad, because they fail and omit to shew by sufficient statement of facts, and by proper and legal evidence of such facts, the place of legal settlement of the said M. Johns and her said children to have been in our said parish of Milverton, at the time when the said order was made, and even fail to shew that either the said M. Johns, or her said husband, ever ac-

quired or had a settlement in our said parish of Milverton." Upon this the appellants objected that the examinations were insufficient, inasmuch as the said William Johns was stated to be a parish apprentice; and it did not appear on the face of the examinations that any order of Justices had been made declaring the said R. Besley to be a fit person to whom the said William Johns might properly be bound apprentice, nor that any order was made by the Justices that the overseers of Chipstable should be at liberty to bind the said W. Johns apprentice accordingly, nor (supposing such an order to have been duly made) that the Justices making such order signed their allowance of the indenture, according to the directions of the statute 56 Geo. 3. c. 139. The Sessions were of opinion that the examinations did not contain sufficient legal evidence of a parish apprenticeship, inasmuch as it did not appear on the face of them that any such order had been made, although they were of opinion that it did appear from them that the Justices had allowed, by signing and sealing, an indenture, which indenture recited an order, there

being at the same time no other evidence that an order was made, and, thereupon, quashed the order of removal. The question for the opinion of this Court was, whether sufficient legal evidence of a parish apprenticeship appeared in the above examinations; if so, then the order of removal was to be confirmed, and the order of Sessions to be quashed; if not, then the order of Sessions was to be confirmed.

Greenwood and W. C. Rowe, in support of the order of Sessions.—The Sessions were right. There was no evidence of any order of Justices for the binding, or, indeed, of the allowance of the indenture. The 1st section of the statute 56 Geo. 3. c. 139. makes an order of two Justices, after inquiry by them, essential before any poor child is bound apprentice by the parish officers. The allowance is a subsequent and distinct act. It is true the case finds that the order was recited in the indenture, but it is equally clear that no indenture was produced at the Sessions; and all the evidence on the subject is set out in the case. In *The King v. the Inhabitants of Bawbergh* (2), it was held that a parish indenture of apprenticeship, which did not refer to the order of Justices by its date, was wholly void; and the rule as to presuming *omnia rite esse acta*, has never been applied for the purpose of giving jurisdiction.

[COLERIDGE, J.—But the jurisdiction is got at independently of the statute, which was passed to restrain the power the overseers had already.]

A new authority to bind out apprentices is given by the statute.

[WIGHTMAN, J.—Suppose, the indenture being lost, a witness was called to give secondary evidence of it, and he remembered everything but the date of the order recited in it?]

[PATTESON, J.—It would be most unreasonable to hold the indenture void because a witness did not remember every word of it.]

Then there is no sort of evidence that the same Justices who ordered, also allowed—*The Queen v. the Inhabitants of Ashbur-*

ton (3), where *The King v. Hinckley* (4) is referred to.

[COLERIDGE, J.—I do not see how you can apply those cases here. It cannot be inferred that other Justices than those who allowed, made the order.]

[PATTESON, J.—If the indenture was produced, the question whether the order was recited would be one thing; but whether there ever was such an order would be another thing. Is it necessary to prove the truth of the recital, *i. e.* to produce the order?]

In strictness it would be so; at all events, as against a third party, which the appellant parish is. There is no estoppel as against them.

[PATTESON, J.—There seems to have been no evidence given to account for the non-production of the order, or any search for it.]

The COURT called on

Merivale, *contra*, as to this point.—The objection as to the want of search was not taken at the Sessions, nor is it raised by the case; but the case does find a sufficient search for the indenture; and as in practice one is indorsed on the other, it must be taken that the Sessions have found that there was a search for the order. Then, as to the principal question, the Court will not presume that the Magistrates did not do their duty—*The King v. the Inhabitants of Whiston* (5).

Greenwood and Rowe were then heard in continuation.—No intendment can be made in this case; indeed, the very register which is set out affords no ground for presuming an order. The statute requiring a register to be kept of parish apprentices, (42 Geo. 3. c. 46,) provides, by section 3, that the book or register shall be sufficient evidence of the particulars specified in it. That may make the register evidence of the assent of two Justices; but there the presumption ends. A previous order, under the hands, &c. of two Justices, was not necessary at the time this act of parliament passed, and the register did not contain any

(3) 15 Law J. Rep. (n.s.) M.C. 97.

(4) 1 B. & Ad. 273; a. c. 9 Law J. Rep. M.C. 75.

(5) 4 Ad. & El. 607; a. c. 5 Law J. Rep. (n.s.) M.C. 67.

statement on the subject, and could be no evidence of the compliance with the requisitions of a subsequent statute.

Merivale and Cornish, contra.

[COLERIDGE, J.—I do not see how any secondary evidence of allowance, under 56 Geo. 3. c. 139, is got at; the register is only evidence of assent under 42 Geo. 3. c. 46.]

That point is not raised in the case. Secondary evidence may be given independently of any statute, and the Sessions must be taken to have been satisfied that the indenture had been duly allowed.

[COLERIDGE, J.—The Sessions do not assist us in drawing a line between what they have presumed and what we are to presume.]

Presumption will be made that those who have a public duty to perform, have performed it rightly—*The King v. the Inhabitants of Witney* (6), *The King v. Whiston*, *The King v. Hinckley*, *The Queen v. the Inhabitants of Silkstone* (7), *The King v. the Inhabitants of Long Buckby* (8), *Taylor v. Clemson* (9).

Cur. adv. vult.

The judgment of the Court was, on a subsequent day, delivered by—

LORD DENMAN, C.J.—The question in this case was, whether the examinations disclosed sufficient evidence of the binding of one William Johns, as a parish apprentice. He had been bound, if at all, since the passing of the 56 Geo. 3. c. 139; it was necessary, therefore, to have evidence, not merely of the execution of the indenture, but of the order and the allowance by two Justices, which the statute requires, and of the reference to the order in the indenture, which the statute also requires. Secondary evidence the case finds to have been admissible, and that alone was relied on. The binding had been from Chipstable, a third parish, into Milverton, the appellant parish, and an overseer of the

former parish produced the register of bindings by that parish, which disclosed all the particulars of date, name, age, master, &c. concluding with these words—"Magistrates assenting," signed by themselves,—John Halliday, L. St. Aubyn.

It was pointed out in argument that that entry was obviously made in obedience to the 42 Geo. 3. c. 46, which requires the register to be kept, and gives the form; the last column of which is headed "Magistrates assenting," with the words underwritten, "to be signed by themselves;" the object of this part of the register being to preserve a record of the particular Justices with whose assent any particular apprentice was bound. This entry, therefore, in a case where secondary evidence was admissible, would, on general principles, and without reference to the provisions of the 3rd section of the statute, have been evidence of the fact that these two Justices had assented to the binding; that the book had been produced to them at the time of their assenting; and that they had then signed their assent: for the entry purports to have been made in compliance with the requisitions of the statute; and, therefore, in the case of public functionaries, there would be the ordinary presumption that they had done so.

But it is now sought to carry this presumption much further; and because the Justices appear to have complied with the requisitions of one statute, it is to be inferred that they must have complied with the very special requisitions of another. Because it is proved that they had assented to the binding, which the statute of Elizabeth required, and recorded their assent as the 42nd Geo. 3. required, therefore it is to be presumed that they made an order, under hand and seal, for the binding before it took place; that that was referred to in the indenture, by date, and the names of the two Justices; and that before execution of the indenture by the parties, the same two Justices signed and sealed an allowance thereof. Unless all these things were done, no settlement was gained; and the only ground for presuming them done, is, that two Magistrates assented to the indenture, and entered their names in the register as having done so. Of these two facts the

(6) 5 Ad. & El. 191; s. c. 5 Law J. Rep. (N.S.) M.C. 97.

(7) 2 Q.B. Rep. 520; s. c. 12 Law J. Rep. (N.S.) M.C. 5.

(8) 7 East, 45.

(9) 2 Q.B. Rep. 1030; s. c. 11 Law J. Rep. (N.S.) Exch. 447.

latter is quite without weight in helping to the inference; and if all these are inferred from the former, it would be carrying the presumption that all things have been rightly done, as required, much further than either reason or authority warrant.

The Sessions have, indeed, found that "it appeared from the examinations that the Justices had allowed, by signing and sealing, an indenture which recited an order;" but they state expressly that this was the whole evidence; and upon the whole they were of opinion that there was not sufficient legal evidence of a parish apprenticeship. They, therefore, leave the question clear for our decision; and we think they were right in the conclusion they drew, and that their order should be confirmed.

Order of Sessions confirmed.

BAIL COURT.

1846.

Jan. 23.

THE QUEEN v. THE JUSTICES
OF STAFFORDSHIRE.

Appeal, Grounds of—Identity—Examinations.

In the examinations on which an order of removal from the township of L. to the parish of C. was founded, M. S. stated that she was the widow of A. S., who was born at C. of parents settled there, as she believed; and J. S. stated that he was an elder brother of A. S., who was born in C. The grounds of appeal alleged that the order, notice of chargeability, and examinations were bad on the faces thereof, and that the examinations contained no legal evidence of the paupers' settlement in C, or of their having come to settle in, or being chargeable to L. At the trial of the appeal the appellants contended that the examinations did not shew that the A. S. mentioned by the widow was the same A. S. mentioned by J. S. The respondents objected that this point was not raised by the grounds of appeal. The Sessions quashed the order on the point raised by the appellants. A rule nisi for a mandamus having been obtained, this Court held that the objection was sufficiently raised by the grounds of appeal, and that the decision of the Justices was final.

On the 11th of March 1846, two Justices of the Peace for the county of Stafford made an order for the removal of Mary Salt, widow, and her seven children, from the township of Leek and Lowe, in the said county, to the parish of Cauldon, in the same county. The examination of the pauper M. Salt stated that she was the widow of Adam Salt, late of Leek, and that he was born at Cauldon, in the county of Stafford, of parents legally settled in the parish of Cauldon as she had been informed and believed. John Salt, an elder brother of Adam, stated, in his examination, that his father and mother had twelve children, all of whom were born in the parish of Cauldon, and that he knew of no act by which his brother Adam had gained a settlement. Notice and grounds of appeal, dated the 28th of May 1846, were sent by the churchwardens and overseers of Cauldon to the overseers of Leek and Lowe. The first ground of appeal, which was the only one which came into question, alleged that the order of removal, and the notice of chargeability, and the examinations whereon the order was grounded, were respectively defective, and bad on the face thereof, and that the examinations contained no sufficient legal evidence of the said paupers being settled in the parish of Cauldon, or of their having come to settle in, or of being chargeable to the township of Leek and Lowe. At the hearing of the appeal the counsel for the appellants objected that it did not appear in the examinations by words of reference, or otherwise, that the Adam Salt mentioned in the examination of M. Salt, in right of whom she claimed a settlement, was the same person as the Adam Salt, who was alleged in the examination of John Salt to have had a birth settlement in the parish of Cauldon. The counsel for the respondents argued that this objection was not raised by the grounds of appeal, as it was not specifically pointed out; but the Sessions held the objection of the appellants good, quashed the order, and refused to grant a case for the opinion of this Court.

Huddleston (24th of Nov. 1846) obtained a rule nisi for a mandamus, directed to the Justices of Staffordshire, commanding them to enter continuances and hear the appeal.

He cited *The Queen v. the Justices of Kesteven* (1).

Whately and *Corbet* shewed cause (28th of January 1847).—The Sessions finding no evidence of the identity of Adam Salt, quashed the order, which they were entitled to do. The object of this proceeding by mandamus is not to bring up the order of the Sessions to be quashed, but to send down the case for the Sessions to try again. But subsequent Sessions have no power to quash the order of former Sessions. If the question was within the jurisdiction of the Sessions, this Court will not interfere—*The Queen v. the Justices of the West Riding* (2).

Whitmore (with whom was *Huddleston*.) was called upon by the Court to support the rule.—The question was not raised by the grounds of appeal, and the Sessions had, therefore, no right to go into it. The grounds of appeal were framed in a manner to mislead the respondents. This statement contains general and also specific grounds of appeal; and where that is the case, it is not competent for appellants to take any other specific objections than those pointed out—*The Queen v. Stapleford Fitzpaine* (3), *The Queen v. the Inhabitants of Birmingham* (4). Here the appellants state that there is no legal evidence of the settlement, and go on to shew how there is no legal evidence, namely, that there is no legal evidence of the paupers having come to settle or having been chargeable. Latitude is discouraged in the construction of grounds of appeal. The Sessions, on these grounds of appeal, had no jurisdiction to go into the question of identity; therefore it cannot be said they have heard the appeal.

ERLE, J.—I think this rule ought to be discharged. The grounds of appeal sufficiently raised the objection, on which the Magistrates decided, and therefore they had jurisdiction. It is conceded that they decided on the point which was raised at

the trial. The case has been heard; and, under these circumstances, I have no right to send it back to the Sessions. It was argued that there was here a general ground of appeal, and also two specific grounds, which explained and limited it. I think there were three co-ordinate grounds raised,—the first referring to the settlement in the parish to which the paupers were removed, and the other two referring to the township from which they were removed. I think the decision of the Magistrates was final.

Rule discharged.

1847. { THE QUEEN v. THE CHURCH-
Jan. 30. { WARDENS OF ST. JOHN THE
BAPTIST, CARDIFF.

Church Rate—Irregularity of Proceedings at Vestry Meeting—Mandamus.

The Court will not interfere by mandamus to enforce the making of a valid church rate, on the ground that the irregularity of the proceedings at the vestry, at which a church-rate has already been voted, has rendered such rate wholly void, it not appearing that such rate was actually made.

Semble, also that, were it made, the Court is not the tribunal to decide on its validity.

Greaves moved for a rule, calling on the churchwardens of the parish of St. John the Baptist, Cardiff, to shew cause why a mandamus should not issue commanding them to convene a vestry, for the purpose of making a church rate, and to take all necessary steps for that purpose. The affidavit on which he moved, stated that, on the 17th of December 1846, it was proposed at a meeting of the rated inhabitants of the parish, that a church rate of 1s. in the pound should be made and levied in lieu of a previous rate of 9d., for the purpose of fencing in with walls a piece of ground which had been presented to the parish for a burial-ground. At this meeting, it was moved as an amendment, that the making of the rate should be postponed for two

(1) 3 Q.B. Rep. 810; s.c. 13 Law J. Rep. (n.s.) M.C. 78.

(2) 10 Ad. & El. 685; s.c. 9 Law J. Rep. (n.s.) M.C. 57.

(3) 2 Q.B. Rep. 488; s.c. 11 Law J. Rep. (n.s.) M.C. 38.

(4) 2 New Seas. C. 283; s.c. 15 Law J. Rep. (n.s.) M.C. 65.

months. A poll was granted, which continued open four days, when it was closed by the chairman, though many of the rate-payers protested against its being closed. That, at such close of the poll, a majority of one was declared in favour of the rate. It was further stated, that many objectionable votes were polled on either side, the chairman having promised that a scrutiny should be had if required; but that the chairman, after the declaration of the result of the poll, refused a scrutiny, though it was demanded on behalf of the minority. It was sworn also, that upon the true state of the poll the majority of the votes were in favour of the amendment. It was submitted that a mandamus was the proper remedy, the circumstances which were deposed to being such as to avoid the rate altogether—*The King v. the Rector of Birmingham* (1), *The Queen v. the Rector of St. Mary, Lambeth* (2), *The Queen v. the Vestrymen of St. Pancras* (3), *The King v. the Commissary of the Bishop of Winchester* (4).

[LORD DENMAN, C.J.—Is not this application premature? You do not state that any rate is yet made.]

In several of the cases in which a mandamus has been granted to elect churchwardens on the ground of the irregularity of the proceedings at the vestry, it has not appeared that those declared to be elected have been actually appointed.

LORD DENMAN, C.J.—It appears to me that we cannot grant you a rule. The rate is not yet made; and if it had been, this Court is not the proper tribunal to set it aside. I think your remedy is in the ecclesiastical court. I know of no precedent for our interfering at this stage. If you can find any precedent for such a motion, you may mention the case again.

The case was not again mentioned.

Rule refused.

(1) 7 Ad. & El. 254.

(2) 8 Ibid. 356; s. c. 9 Law J. Rep. (N.S.) M.C. 113.

(3) 11 Ibid. 15.

(4) 7 East, 573.

BAIL COURT.

1847.

Jan. 28;

Feb. 1.

THE QUEEN v. THE JUSTICES
OF FLINTSHIRE.

Appeal—Dismissal by Sessions on a Preliminary Question of Fact conclusive.

An order of removal was directed to a parish which contained several townships, one of which bore the same name as the parish. The officers of the township appealed against the order. At the trial, the respondents took a preliminary objection that the churchwardens of the parish should have joined in the appeal. A witness stated, that the township maintained its own poor, but the Sessions, not believing that statement, held the objection good, and dismissed the appeal. A mandamus was refused because the Justices had decided on a question of fact, and their decision was therefore final.

An order was made by two Justices of the county of Flint, directed to the churchwardens and overseers of the poor of the parish of West Kirby, in the county of Chester, for the removal of a pauper from the parish of Flint, in the county of Flint, to the parish of West Kirby. It appeared, that the parish of West Kirby contains ten townships, of which West Kirby is one, and each of which maintains its own poor; and that, although there are two churchwardens appointed for the parish, they do not interfere in the management of the poor. The settlement of the pauper, if he had any, was stated to be in the township of West Kirby. The overseers and assistant overseer of the township appealed against the order of removal. When the appeal came on for trial at the Quarter Sessions, the respondents raised a preliminary objection, contending, that the appellants ought not to be heard, because the churchwardens of the parish, to whom, along with the overseers, the order was directed, had not joined in the appeal. A witness, called on behalf of the respondents, stated that the township maintained its own poor; and on his cross-examination it appeared that there had been a former order of removal, against which the churchwardens and overseers of the parish had appealed, but which had been abandoned

on technical grounds, and had been succeeded by the present order. The Sessions held the objection valid, and refused to hear the appeal, offering at the same time to grant a case for the opinion of the Court of Queen's Bench.

Townsend, in last Michaelmas term, obtained a rule *nisi* for a mandamus, commanding the Justices of the county of Flint to enter continuances and hear the appeal. He cited the cases of *The King v. the Justices of Carmarthenshire* (1), *Spitalfields v. Bromley* (2), and *The Queen v. Acton* (3).

Welsby (Jan. 28) shewed cause.—(He read an affidavit of the attorney for the appellants, which stated in addition to the facts mentioned above, that the Sessions were of opinion that West Kirby was not a township separately maintaining its own poor.)—The mandamus ought not to be granted. The law, though fluctuating for some time, is now settled. The question is, whether there has been a hearing of matters of fact, or whether the appeal has been dismissed on some mistake of the law. In the latter case, this Court will send it back to the Sessions; but in the former, there has been a conclusive hearing. *The Queen v. the Justices of Kesteven* (4) establishes that the decision of the Sessions on a preliminary point, which is matter of fact only, is conclusive. The Justices here were not satisfied of the fact that the township supported its own poor to the exclusion of the parish. There was no decision on law, or on practice involving law.

Townsend, contra.—This case is distinguishable from *The Queen v. the Justices of Kesteven*. The objection here was preliminary to the hearing of the merits of the appeal, and the Quarter Sessions decided on a mistake of law.

[ERLE, J.—I cannot by possibility see how this can assume any appearance but that of an inquiry into a fact. If the Justices came to their conclusion from the demeanour of the witness, or from their own knowledge, or from any other reason,

that he was not to be believed, they were entitled to determine that the township did not maintain its own poor.]

In *The King v. the Justices of Gloucestershire* (5), where one of two overseers, who acted by turns and kept separate accounts, appealed against the accounts of the other, and the Sessions dismissed the appeal on the ground that the overseer could not appeal against his co-overseer, and that he was estopped by allowing the accounts to be passed by the vestry without objection, the Court of King's Bench granted a mandamus.

[ERLE, J.—There was no question of fact there. It was a mistake in law. They supposed the overseer had no right in law to appeal against his co-overseer.]

In *The King v. the Justices of Carmarthenshire*, the order of removal was to the parish of L, and the pauper was delivered to the officers of a hamlet within the parish, which maintained its own poor, and on appeal by the hamlet, the respondents objected to the notice, on the ground that it was in the name of the officers of the hamlet and not of the parish. The Court there granted a mandamus.—He further cited *The King v. the Justices of Warwickshire* (6), and *The Queen v. the Justices of the West Riding* (7). The granting of a case by the Sessions proved that they believed they were deciding on a point of law.

Cur. adv. vult.

ERLE, J. (Feb. 1,) gave judgment.—The rule *nisi* for a mandamus must be discharged. The question on which the appeal was dismissed was a question of fact, whether or not the township of West Kirby maintained its own poor. Evidence had been given, and the question being one of fact, the decision of the Sessions must be final. The case of *The Queen v. the Justices of Kesteven* is clearly in point.

Rule discharged.

(5) 1 B. & Ad. 1; s. c. 8 Law J. Rep. M.C. 108.

(6) 6 Ad. & El. 873; s. c. 6 Law J. Rep. (n.s.) M.C. 113.

(7) 2 New Sess. C. 1; s. c. 14 Law J. Rep. (n.s.) M.C. 119.

(1) 4 B. & Ad. 563; s. c. 2 Law J. Rep. (n.s.) M.C. 42.

(2) 18 Vin. Abr. 468; 2 Bott, 709.

(3) 2 New Sess. C. 183; s. c. 15 Law J. Rep. (n.s.) M.C. 21.

(4) 3 Q.B. Rep. 810; s. c. 13 Law J. Rep. (n.s.) M.C. 78.

BAIL COURT. }
 1847. } THE QUEEN v. THE JUSTICES
 Jan. 23. } OF GLOUCESTERSHIRE.

Bastard Appeal—Admission of due Notice of Recognizances—Time.

An order of maintenance was made on the 9th of April, and on the 13th the appellant entered into recognizances, pursuant to the 8 & 9 Vict. c. 10. s. 3; but the notice was not served on the respondent till the 22nd of June. On the 29th the respondent's attorney undertook to admit due service of the notices. At the trial it was objected that the notice of recognizances was not served "forthwith," pursuant to the statute; but the Quarter Sessions overruled the objection, and quashed the order. This Court refused a certiorari to bring up the order of Quarter Sessions to be quashed, on the ground that the admission was evidence that the notice had been served in time.

On the 9th of April 1846, an order was made by two Justices of the county of Gloucester, upon George Hiron, for the maintenance of a bastard child, born of Elizabeth Gibbins. On the same day Hiron gave Elizabeth Gibbins notice of appeal for the next Quarter Sessions. On the 13th of April the appellant entered into the recognizances required by the statute 8 & 9 Vict. c. 10. s. 3; and on the 22nd of June the respondent was served with notice of the recognizances. On the 29th of June the respondent's attorney gave the following undertaking:—"I hereby admit the due services of the notices of bail and appeal given herein on the respondent; Mr. Chesshyre (the appellant's attorney) undertaking to produce the original notices on the hearing of this appeal, together with the order." The appeal came on for hearing on the 1st of July. The notice of appeal and the notice of recognizances were produced, and the respondent's counsel objected that they had not been sent to the respondent "forthwith," as required by the statute; but the Sessions overruled the objection, on the ground that due service had been admitted by the respondent; and they quashed the order of maintenance, without hearing the appellant.

Wise having obtained a rule *nisi*, calling on the appellant to shew cause why a cer-

tiorari should not issue to bring up the order of the Quarter Sessions to be quashed, *Greaves* (Jan. 23,) shewed cause.—The respondent is bound by the undertaking, which admits *due* service.

Wise, in support of the rule.—The admission is admission of service only. It means, "If you will produce the notices, I will admit that they came to my hands;" and it contemplates the possibility of the notice being bad on the face of it. Service "forthwith" is necessary to give the Court jurisdiction. Here fifty days were allowed to elapse.—He cited *Sharpe v. Lamb* (1) and *The Queen v. Lord Hastings* (2). The party could not waive the objection, if the service "forthwith" was necessary to give jurisdiction.

ERLE, J.—Admitting *due* service seems to me to mean admitting service in due time. I think the tribunal before which the admission came was entitled to construe it so. There was evidence before the Justices to establish due notice, and therefore this Court will not interfere. This is not a case where a party has waived an objection. There was a fact to be established; an admission was offered as evidence of that fact; and the Justices chose to draw the conclusion that a proper notice had been given. The rule must therefore be discharged.

Rule discharged.

1847. }
 Jan. 30. } *Ex parte* ROBERT THOMAS.

Mandamus — Conviction — Warrant to enforce.

Where Justices convicted a party, but refused to take any steps to enforce the conviction, under an idea that they would thereby render themselves liable to a penalty under the Habeas Corpus Act, this Court, in its discretion, refused a mandamus to the Justices to compel them to issue a warrant of commitment or of distress upon the conviction.

(1) 11 Ad. & El. 805; a. c. 9 Law J. Rep. (n.s.) Q.B. 185.

(2) 6 Q.B. Rep. 141; a. c. 13 Law J. Rep. (n.s.) M.C. 114.

Pashley moved for a rule calling upon Hugh Revelley and M. T. Pugh, Esqrs. two of the Justices of the Peace for the county of Merioneth, to shew cause why a writ of mandamus should not issue, commanding them to issue a warrant of commitment or of distress against one John Williams, who had been convicted by them upon the information of Robert Thomas. The affidavit upon which the application was founded, disclosed the following facts:—Williams was convicted in 5*l.* and costs, on the 10th of November 1846, for taking and destroying salmon in the river Wnion, in the county of Merioneth, within the period during which fishing for salmon was prohibited under 6 & 7 Vict. c. 33, (which repealed the provisions of 1 Geo. 1. c. 18, limiting the time within which salmon might be taken in certain rivers, and substituted the provisions of 58 Geo. 3. c. 43. in lieu thereof, and also repealed the provisions of the 58 Geo. 3. c. 43, imposing penalties for fishing within prohibited periods, and re-enacted fresh penalties). This conviction was duly filed at the Quarter Sessions for Merionethshire. The penalty and costs not having been paid, an application was made to the Justices to issue a warrant of commitment of the said Williams, or of distress, for the purpose of levying the penalty and costs; but they refused to do either, and assigned as a reason that Williams had no goods upon which the penalty and costs could be levied; and that if they granted a warrant of commitment, they would render themselves liable to a penalty of 500*l.*, under the Habeas Corpus Act, as Williams had on the 10th of March 1846, been convicted upon the information of the said R. Thomas, under the 58 Geo. 3. c. 43, for taking salmon in the said river, within the fence days appointed under that act, and had been committed to prison under that conviction, but had been afterwards discharged from custody, by Williams J., at Bala, on a *habeas corpus*, on the ground that the provisions of the 58 Geo. 3. c. 43, which imposed a penalty for taking fish within the prohibited periods, was repealed by the 6 & 7 Vict. c. 33, at the time when the offence was committed.

[WIGHTMAN, J.—Why did he not apply earlier?]

A party has the whole of the term fol-

lowing the refusal within which he may apply.

[COLERIDGE, J.—Did Williams bring an action for the imprisonment, under the bad conviction?]

It does not appear that he did.

LORD DENMAN, C.J.—I do not know of any case where we have issued a mandamus to compel Magistrates to grant a warrant of commitment or of distress, for the purpose of enforcing a conviction. The case of a mandamus to issue a distress warrant to levy a rate, is different, for there it is very necessary that the rate should be collected without delay, and we lend our assistance to effect such an object. If we have any discretion in the matter, as I think we clearly have, we ought not to grant this application.

COLERIDGE, J. and WIGHTMAN, J. concurred.

Rule refused.

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| 1847. | } | THE QUEEN v. THE CHURCH- WARDENS AND OVERSEERS OF BANGOR. |
| Jan. 16; | | |
| Feb. 10. | | |

Poor Rate—Parochial Assessment—6 & 7 Will. 4. c. 96.—Order of Poor Law Commissioners—Guardians—Discretion as to Mode of raising Funds—4 & 5 Will. 4. c. 76. s. 105.—Certiorari.

The churchwardens and overseers of the parish of B. represented, through the guardians of the Union of B. (within which the parish was included), to the Poor Law Commissioners, that a survey and valuation of the rateable property in the parish was necessary under 6 & 7 Will. 4. c. 96. s. 8. The Commissioners, under that statute, directed a survey and valuation, and ordered the guardians to appoint a person for the purpose, and to contract with and pay him; and that the money should be provided for by a charge on the poor-rates of the parish, which charge should contain the provision required by the statute for payment of principal and interest in five years. P. was appointed by the guardians, and the work done by him under a contract entered into with them, upon which he sued them for non-payment. The guardians made several orders on the officers of the parish of B. to

provide funds, by making a separate rate for the required sum. On a mandamus to enforce obedience to these orders,—

Quære—Whether the order of the Poor Law Commissioners ought not to have been addressed to the officers of the parish, from whom the representation came, and not to the guardians of the union.

Quære—also, whether the 6 & 7 Will. 4. c. 96. s. 3. vests the discretion as to determining the mode of raising the funds in the guardians or in the Poor Law Commissioners; but,

Held, that supposing the guardians to have such a discretion, yet they can only acquire it in consequence of a direction from the Poor Law Commissioners to them to provide for payment in one or other of the ways mentioned in the statute; and that the orders of the guardians were, therefore, bad, as being unauthorised by the Commissioners.

Quære—Whether orders of the Poor Law Commissioners, bad in themselves, must be obeyed, until quashed on certiorari, under 4 & 5 Will. 4. c. 76. s. 105.

Mandamus. The writ recited the formation of a union, called the Bangor and Beaumaris Union, including the parish of Bangor, and the constitution of a board of guardians for the same, under 4 & 5 Will. 4. c. 76; and also that the majority of the churchwardens and overseers of the parish of Bangor had represented in writing to the Poor Law Commissioners for England and Wales that a fair and correct estimate, for the purpose of making rates for the relief of the poor in the said parish, could not be made without a new valuation, under 6 & 7 Will. 4. c. 96 (1); and that

(1) Sec. 3. enacts, "That when it shall be made to appear to the Poor Law Commissioners, by representation in writing from the board of guardians of any union or parish under their common seal, or from the majority of the churchwardens and overseers or other officers competent, as aforesaid, to the making and levying the rate, that a fair and correct estimate for the aforesaid purposes cannot be made without a new valuation, it shall be lawful for the Poor Law Commissioners, when they shall see fit, to order a survey, with or without a map or plan, on such scale as they shall think fit, to be made and taken of the messuages, lands, and other hereditaments, liable to poor-rates in such parish, or in all or any one or more parishes of such a union, and a valuation to be made of the said messuages, lands, and other hereditaments

the Poor Law Commissioners did, on the 19th of July 1838, in pursuance and execution of the powers vested in them by that act, order and direct that a survey should be made and taken of the messuages, lands, and other hereditaments liable to poor-rates in the said parish of Bangor; and that a valuation should be made of the said messuages, &c., according to their annual value. And it was by the said commissioners further ordered, that the guardians of the poor of the said union should appoint one or more competent person or persons to make such survey and valuation; and that previous to the appointment of such competent person or persons as aforesaid, he or they should contract with the said guardians that, if appointed, he or they would make such survey and valuation thereby directed to be made within such time and on such terms as should be specified and defined in such contract, which contract should, nevertheless, be subject to the approval of the said Poor Law Commissioners; and that it was by the said order further declared that the money which should be paid under such contract as aforesaid for such survey and valuation should be paid by the said guardians, and should be provided for by a charge on the poor-rates of the said parish, which charge should contain a provision for paying off not less than one-fifth of the sum charged on the rates, and such interest as might from time to time be payable in respect of such charge, or any part thereof, in each succeeding year, until the whole should be repaid. The writ then recited that the guardians of the said union, in pursuance of the said order, appointed one E. Phillips, a competent person, to make the survey and valuation; and that by articles of agreement made between the said guardians of the said union, under their

according to their annual value, and to direct such guardians to appoint a fit person or persons to make and take every such survey, map, or plan and valuation, and to make provision for paying the costs of every such survey, map, or plan and valuation, either by a separate rate or by a charge on the poor-rates, as they may see fit; but, in case of such charge being made, then provision shall be made for paying off not less than one-fifth of the sum charged on the rates, and such interest as may from time to time be payable in respect of such charge or any part thereof, in each succeeding year till the whole is repaid."

common seal, and Phillips, with the approval of the Poor Law Commissioners, Phillips contracted with the said guardians to make the survey and valuation within such time and upon such terms as were specified and defined in the said contract: that Phillips completed the survey and valuation within the time specified, and delivered the same to the guardians of the said union, and that thereby he, the said E. Phillips, became and was entitled under and by virtue of the said contract and of the covenants therein contained to demand and have of and from the said guardians of the said union 343*l.* 11*s.* 6*d.*, for making the said survey and valuation, which said sum of money became and was due and payable to him from the guardians of the said union, under the terms of the said contract, within two calendar months after the said survey and valuation were delivered to the clerk of the said guardians, and which period elapsed long since, to wit, on the 5th of March 1839; that on the 16th of January 1839 the then overseers and churchwardens of the parish of Bangor were in due form of law authorized and required by the guardians of the said union to pay to the said E. Phillips, on or before the 8th of March 1839, from the poor-rates of the said parish, the said sum of 343*l.* 11*s.* 6*d.*, so due to him from the said guardians, for the survey and valuation, of which the said overseers and churchwardens then had notice, but refused to pay: that, on the 1st of January 1842, Phillips commenced an action against the guardians of the said union to recover the said sum of 343*l.* 11*s.* 6*d.*, who thereupon gave notice to the churchwardens and overseers of the parish of Bangor that they might, if they thought proper, defend the said action in the name of the said guardians, upon giving them an indemnity against the costs of the action, but that the said churchwardens and overseers did not appear to or defend the action, which was still pending: that on the 9th of March 1842 an order was made by the guardians of the said union, and served on the churchwardens and overseers of the said parish of Bangor, whereby the said guardians required the said churchwardens and overseers to make a separate rate, in pursuance of the provisions of the said statute, for raising the said sum of 343*l.* 11*s.* 6*d.*, and to levy the said rate,

and therewith to pay to the said guardians the said sum so to be paid by them as aforesaid: that this order was not obeyed: that another order was, on the 17th of January 1844, made by the said guardians, and served upon the then churchwardens and overseers of the said parish of Bangor, in the same terms as the order of the 9th of March 1842: that no such separate rate had been made, nor had any part of the said sum of 343*l.* 11*s.* 6*d.* been paid either to Phillips or to the said guardians, nor had the same been charged on the poor-rates of the said parish, nor had any proceedings been taken for raising the said sum or for paying the same or any part thereof, or for charging the same on the poor-rates of the said parish: that, on the 9th of February 1844, the said churchwardens and overseers appeared at a special session before the Justices of the Peace for the county of Carnarvon, to answer a complaint and information made under the hand of the chairman of the board of guardians of the said union, that they had neglected to pay the said sum of 343*l.* 11*s.* 6*d.*, as required by the said last-mentioned order; but that the said Justices declined to issue any warrant or to interfere. The writ then commanded the said churchwardens and overseers of the poor of the said parish of Bangor, without delay, to make and assess a rate upon all the inhabitants and occupiers of lands, tenements, houses, and other things rateable within the same parish, for the purpose of raising a sum of money sufficient to pay the said sum of 343*l.* 11*s.* 6*d.*, being the costs of the said survey and valuation of the said parish, and to proceed to levy and collect the same, and pay over the proceeds thereof to the guardians of the poor of the said Bangor and Beaumaris Union, for the purpose of paying the said sum of 343*l.* 11*s.* 6*d.* to the said E. Phillips, for the survey and valuation aforesaid, pursuant to the said two several orders of the guardians of the poor of the said union, or to make some other provisions for the purpose of raising the said sum of money for the purpose aforesaid.

The defendants returned to the writ, that after the passing of the 6 & 7 Will. 4. c. 96, to wit, on the 13th of June 1838, the churchwardens and overseers of the said parish of Bangor, for the time being, represented in writing to the guardians of the

Bangor and Beaumaris Union, and not to the Poor Law Commissioners as in the writ is recited, that they were of opinion that a fair and correct estimate of the rateable property in the said parish, for the purpose of the act aforesaid, could not be made without a new valuation; that the said guardians sent a copy of the said representation to the Poor Law Commissioners, with a request that they would issue an order authorizing the appointment of a surveyor, whereupon the Commissioners made their order of the 19th of July 1838 (setting out the order as recited in the writ); that the said guardians of the said union had not paid the said money which should have been paid under the contract for the said survey and valuation, as by the said order it was declared should be done, nor did they provide for the same by any charge on the poor-rates of the said parish of Bangor, nor did they make any provision for paying off not less than one-fifth of the sum to be charged on the rates, and such interest as might from time to time be payable in respect of such charge, or any part thereof, in each succeeding year, until the whole should be re-paid; but on the contrary, although the said guardians entered into an agreement with E. Phillips to make the survey and valuation, and agreed to pay him for the same within two calendar months after the same should be delivered to the said guardians or their clerk, and although the said guardians did not within two calendar months after the said survey and valuation were delivered to their clerk, or at any time before or since, pay the said E. Phillips for the same, yet the said guardians, on the 16th of January 1839, required the then overseers [the return then set out the orders of the 16th of January 1839, the 9th of March 1842, and the 17th of January 1844, recited in the writ]. And because the said several orders of the said guardians were not in conformity with or in pursuance of the aforesaid order of the Poor Law Commissioners, and because the said orders of the said guardians ordered and required the churchwardens and overseers of the said parish of Bangor to make a separate rate for at once raising the whole amount of the sum so due and payable by the said guardians to the said E. Phillips, and to levy the same, and to pay the same

to the said guardians, whereas by the aforesaid order of the Commissioners, they declared that the money which should be paid under the said contract for such survey or valuation should be paid by the said guardians, and should be provided for by a charge on the poor-rates of the said parish, and which charge should contain a proviso for paying off not less than one-fifth of the sum so charged on the rates, and such interest as might from time to time be payable in respect of such charge, or any part thereof, in each succeeding year until the whole should be re-paid, as in the said writ is mentioned; and because the said orders of the said guardians in these and other respects were not authorized by or in conformity with the said order of the said Commissioners, the defendants returned that they had refrained from obeying and had not obeyed the said order of the said guardians by making a separate rate for raising the sum in the said orders respectively mentioned, and had refrained from levying and had not levied any such rate, or paid the said sum or any part thereof to the said guardians. The return then certified, that the said guardians had not by any order or document in writing or otherwise made any charge on any poor-rates of the said parish, to provide for the payment of the money so to be paid by the said guardians as aforesaid, and submitted, that they, as churchwardens and overseers of the poor of the said parish of Bangor, had not any power or authority by law to charge or to make any charge upon the poor-rates of the said parish for the purposes in the said orders mentioned; and that, even if they had such power, it did not appear by the writ that they had ever been required by the said guardians or other person or persons to make any such charge upon the poor-rates of the said parish for any such purpose, and that they were not in fact required so to do. And they further certified, that none of the persons who were churchwardens or overseers of the said parish, at the time when the said survey and valuation were made, ever agreed to or sanctioned, or were any party to, or assisted the said E. Phillips in the making of the same; and that upon the same being delivered to them by the clerk to the said guardians, they found it to be incorrect, and declined to act upon

it, and returned it to the said guardians with a letter, stating that it was incorrect in several particulars; and that until the same should be amended and made correct in the several respects in the said letter mentioned, the said E. Phillips ought not to be paid for the same, and that the defendants ought not to be called upon to make a separate rate or any rate to pay for the same, or in any manner to charge the rates of the said parish with, or otherwise to provide for the payment of the same; that the said guardians might have had the valuation amended; and that the same was altogether useless to the said parish, and that if a rate were made from the said valuation, it would probably be appealed against, and the parish involved in litigation and expense. Wherefore, &c.

The guardians of the Bangor and Beaumaris Union demurred to this return, for the following among other grounds of demurrer: that the said return does not state or shew any sufficient charge to excuse the said churchwardens and overseers of the said parish from making and assessing a rate upon the inhabitants and occupiers of the said parish, for the purpose in the mandatory part of the said writ mentioned, and from proceeding to levy, collect, and pay over the proceeds of the same, as in the said writ they are commanded, or from making some other provision for the purpose of raising the said sum of 343*l.* 1*l.* 6*d.* for the purpose of paying the same to the said E. Phillips for the said survey and valuation; and also, for that the said overseers and churchwardens were bound to obey and comply with the said several orders of the guardians of the said union, bearing date respectively the 9th of March 1842 and the 17th of January 1844, and were bound to raise and provide the said guardians with funds sufficient to enable them to pay the said E. Phillips the expenses of the survey and valuation mentioned in the writ; that it was not necessary nor required by the said statute, that the guardians of the said union should first pay for the said survey and valuation, in order to entitle them to call upon the overseers and churchwardens of the said parish to retain the money due for the same, and pay the same to the guardians; that the said guardians were not bound to provide the money

due for the said survey, &c. by a charge on the rates of the said parish, and were at liberty to make provision for the same by a separate rate if they should see fit, and to order the overseers and churchwardens to make and levy a rate for that purpose, and to pay over the proceeds thereof to the said guardians; that the churchwardens and overseers of the said parish had power to charge the poor-rates with the expenses of the said survey, &c., and ought to have charged the same accordingly, and to have raised and paid over to the said guardians the said expenses. —[There were other technical grounds of demurrer to the return, which were not argued or decided upon.]

Joinder in demurrer.

Sir J. Jervis (Attorney General), (*Welshby* and *J. Brown* were with him), in support of the demurrer.—The meaning of the 6 & 7 Will. 4. c. 96. s. 3. is, that the guardians are to exercise their own discretion as to the mode of making provision for paying the costs of the survey: that is the strict construction of the sentence, referring the words "as they may see fit" to the last antecedent. The Poor Law Commissioners had no authority to direct that these costs should be provided for only by a charge on the rates; and it is open to the guardians to provide for them by a separate rate, or in such other manner as they may think fit.

[*PATTESON, J.*—There must be a mistake in the act: the guardians of the union cannot be the persons to make provision by a separate rate, but the churchwardens and overseers of the parish.]

The act says it is to be done by "such guardians."

[*WIGHTMAN, J.*—May not the clause be read, that the commissioners are to direct the survey to be made, and also to make provision for payment of the costs?]

Then that creates another difficulty, for the commissioners have no power to make a rate; they can only make an order. The guardians cannot pay the money themselves, for they have no funds belonging exclusively to the parish of Bangor; so that the act presents a choice of difficulties, and the most reasonable construction must be adopted.

[*COLERIDGE, J.*—The statute contemplates two modes of payment, either by a

charge on the rates, or by a specific rate. It can make no difference whether the election of one mode or the other is made by the commissioners, or by the guardians.]

Except that the commissioners have no means of knowing which mode will be most advantageous.

[WIGHTMAN, J.—Suppose the order of the commissioners is void as to this part of it.]

Then the result will be, that the guardians are not bound to attend to it, and may treat it as if the mode was left open to them. There is some analogy to the cases which have occurred under the Church Building Acts. If the time within which a charge might have been made on the rates has elapsed, the only mode of providing for the payment would be by a separate rate—*The King v. Dursley* (2).

W. H. Watson, *contrà*.—This clause of the statute may be read in three ways: first, the commissioners may themselves provide for the payment by a rate, or by a charge on the rates; secondly, they may direct the guardians as to the specific mode in which payment is to be provided for; or thirdly, they may direct the guardians to provide for the payment in such mode as the guardians may think fit. Whichever of these constructions is adopted the defendants are entitled to judgment. The guardians here assume to make provision by a separate rate, when the order of the commissioners directs it to be made by a charge on the present rates, with a provision for paying off not less than one-fifth of the sum charged annually.

[PATTERSON, J.—But if the act means that the guardians may provide payment as they think fit, how have they done wrong?]

The guardians have no power to make an original order; they can only be put in motion by the commissioners; and the order which they profess to act under does not leave them a discretion.

[COLERIDGE, J.—Then if an order would be good, which merely directed the guardians to make provision for payment, leaving the mode to be settled by them, may not the part of this order which directs a

particular mode of provision be rejected as surplusage?]

The parties are bound to obey an illegal order, until it be removed by *certiorari* and quashed—4 & 5 Will. 4. c. 76. s. 105. Besides, the guardians having acted under the order, cannot now turn round and say it is inoperative. If the Poor Law Commissioners have no authority to make such an order as the present the mandamus cannot be sustained.

The Attorney General, in reply.—The provision in 4 & 5 Will. 4. c. 76. s. 105. relates only to rules and orders made under the acts for the administration of the poor laws, which is not the case here. At all events, the order is good in ordering the guardians to appoint a person to make the survey, and to contract with him; and, if they do so, they are bound to provide for the expenses, which they can only do by directing the parish officers to make a rate.

Cur. adv. vult.

LORD DENMAN, C.J.—This was a mandamus to the churchwardens and overseers of Bangor, to make a rate for the purpose of raising a sum of money to pay the costs of a survey and valuation of the rateable property in the parish, and which was alleged to have been made under the 3rd section of 6 & 7 Will. 4. c. 96. The case came on upon a demurrer to the return, but the argument was substantially on the goodness of the writ, and that was made to depend on the true construction to be given to the section above mentioned. The facts appearing in the writ are shortly these:—Bangor parish is within the union of Bangor, (for what purposes formed is not stated, but it was taken to be a union for administration of relief only); and, in 1838, the churchwardens and overseers made a representation, through the guardians of the union, to the Poor Law Commissioners, that a survey and valuation of the rateable property were necessary to be made, whereupon the Poor Law Commissioners ordered the making of such survey and valuation, and directed the guardians to appoint a proper person for the purpose, and to contract with and pay him, and that the money should be provided for by a charge on the poor-rates of the parish, which charge

(2) 5 Ad. & El. 10; s.c. 5 Law J. Rep. (N.S.) M.C. 137.

should contain the provision required by the section in question, for the payment of the interest and the whole principal in five years. An appointment and contract have been made and entered into; the work has been done, and the guardians have been sued on their contract. After many ineffectual attempts to procure funds from successive parish officers, but never by way of a charge on the rates, the guardians have ordered the defendants to make a separate rate for raising the required sum, which the defendants have disobeyed, and the mandamus is for the purpose of enforcing obedience.

The section is framed with remarkable carelessness, and it is impossible to determine, with certainty, its meaning in all parts. It begins with supposing a representation made either by guardians of a union, or parish, or a majority of parish officers competent to make a rate, and then, without any enumeration of these three bodies, or direct reference to them all, empowers the Poor Law Commissioners to direct "such guardians" to appoint a fit person, and to make provision for paying the costs, either by a separate rate, or by a charge on the poor-rates, as *they may see fit*. It may well be doubted whether the words "such guardians" are not used by way of reference to all the particular bodies before enumerated, and whether the order of the Poor Law Commissioners ought not to issue to that body, whichever it was, from whom the representation came; they clearly must include both descriptions of guardians; and the doubt is the stronger when it is remembered that at the time of the act passing, a large proportion of the parishes in England were not combined in unions. If this be the true meaning, then, as the representation, in the present instance, came from the parish officers, the order was bad for not being addressed to them, but to the guardians. Supposing, however, the order to be well made in this respect, a more serious doubt arises on the meaning of the words "as they may see fit." Do they place the discretion which is to determine the mode of raising the funds in the Poor Law Commissioners, or in the guardians—in those who issue the order in the first instance under which the survey is made,

or in those to whom it is issued? The guardians are the last *expressed* antecedent; but if the words "it shall be lawful for the Poor Law Commissioners" are to be read as governing each clause, then *they* become the last antecedent, so that the application of the ordinary rule of construction will not solve the difficulty.

It appears to us not necessary to express any decided opinion on this question, for if we agree with the prosecutors that "as they may see fit" must be read as if it were "as the guardians see fit," still it is clear that the guardians can only acquire the discretion in consequence of a direction from the Poor Law Commissioners. These last must first direct them to provide for the payment in one or other of the two ways, according to their discretion, before they have power to provide for it in either. But the Poor Law Commissioners have made no such order; they have ordered a charge on the rates, and, assuming that to be void, it only leaves the order of the guardians as one issuing from them; and, as all their power proceeds from the statute, and the statute gives them no such original power, it seems to us that this order of theirs was clearly invalid. This mode of decision makes it unnecessary to decide on the validity of the order of the Poor Law Commissioners: the guardians must, of course, contend that it is bad in part, but it has never been removed by *certiorari* into this court and quashed; and the defendants, therefore, contend, that by the 105th section of 4 & 5 Will. 4. c. 76, it must be obeyed, even if bad. That section, indeed, only provides in terms for orders removed by *certiorari*. Whether it extends to orders bad in themselves, but not removed, it is unnecessary to determine: if it does, it becomes an additional reason for holding the order of the guardians, which is made in contravention of it, invalid; if it does not, and we may set it aside in this collateral way, still it leaves the guardians without any authority to make the order in question. We are of opinion, therefore, that judgment must be for the defendants.

Judgment for the defendants.

1847. } THE QUEEN v. CHEEK AND AN-
Jan. 21. } OTHER, JUSTICES, &c.

Mandamus—Return—1 Will. 4. c. 21. s. 4.—Interpleader.

Where a mandamus was issued to Justices commanding them to issue a distress warrant against G. for non-payment of the poor-rate, the Court refused, in the exercise of the discretion given by 1 Will. 4. c. 21. s. 4, to permit G. to make the return, and conduct the proceedings in the names of the Justices, no substantial objection being made by him to the rate, and his conduct in opposing it not appearing to be bonâ fide.

A rate for the relief of the poor of the parish of Broadway, in the county of Worcester, having been made on the 10th of July 1846, by which J. Rodd Griffiths and J. Kettle were rated as occupiers of land in the said parish, the said rate was duly demanded of the said J. R. Griffiths and J. Kettle, who refused to pay the same, and in consequence informations were, on the 26th of August, laid before two Justices of the said county, against the said J. R. Griffiths and J. Kettle for refusing to pay the rate, and they were accordingly summoned to appear at a petty sessions, holden at Evesham on the 7th of September. On the 7th of September, Kettle appeared in obedience to the summons; and on the hearing of the information, it was proved that the rate had been duly made and allowed, and that notice thereof had been affixed to the church doors, and the demand and refusal by Kettle was admitted by him; but he objected that the rate was wholly void, inasmuch as the notice affixed to the doors of the churches and chapels was insufficient, on the ground that it was not signed by a majority of the churchwardens and overseers of the parish of Broadway, and that it was signed by a third party for one of the two overseers, and also that the notice did not purport in the body of it to be the notice of the churchwardens and overseers. The Justices thought the notice insufficient on these grounds, and that the rate was invalid in consequence, and dismissed the informations against Griffiths and Kettle. The churchwardens and overseers, in consequence of this decision, believing the former rate to be

wholly void, on the 12th of September made a new rate, which was duly allowed and published, in which J. R. Griffiths was rated. All the rate-payers, who had paid the sums at which they had been assessed by the rate of the 10th of July, had their money returned, or were credited for those payments, and receipts given them for the new rate. J. R. Griffiths, upon this rate being demanded of him, refused payment, and was accordingly again summoned to appear upon an information laid against him before Mr. Cheek and Mr. Shekell at a petty sessions at Evesham. At the petty sessions J. Kettle and W. H. Griffiths appeared, on behalf of the said J. R. Griffiths, to answer the information; upon the hearing whereof it was objected that the said rate of the 12th of September was a concurrent rate with that of the 10th of July, and therefore illegal. The grounds upon which the former rate was declared to be invalid were then stated to the Justices, who were requested to grant a distress warrant against J. R. Griffiths, which they refused to do. There was no appeal against either of the above rates by J. R. Griffiths. At a vestry meeting, held for the parish of Broadway, on the 19th of October, a proposition for applying for a mandamus to compel the Magistrates to grant a distress warrant against J. R. Griffiths for non-payment of the last rate, was carried, seven of those present voting in favour of it; two declined voting, but made no protest; and J. R. Griffiths and three others declined voting, and protested against the proceedings, on the ground that the rate of the 10th of July was still a good and subsisting rate, and that the rate of the 12th of September was illegal, because it was a concurrent rate. Previously to the making of the rate of the 10th of July, J. R. Griffiths had been employed by the parish officers of Broadway to conduct an appeal against an order of removal on behalf of that parish, and his bill of costs in respect of such appeal had been taxed, and more than one-sixth being struck off, he was compelled to pay the costs of the taxation. Griffiths, being, as it was stated, exasperated at this taxation, threatened that the parish should be at law for twenty years to come if he should live, and that for every pound taken from his bill, he would cause the parish to lose 100l.

Upon an affidavit stating the above facts, a rule *nisi* was, in a former term, obtained for a mandamus to the said J. M. G. Cheek and T. Shekell, commanding them to issue a distress warrant upon the goods of the said J. R. Griffiths, for the sum of 5*l.* 10*s.* 10½*d.*, assessed upon him by the said rate of the 12th of September, and cause was shewn against this rule, on behalf of J. R. Griffiths, upon affidavits, which stated that Mr. Griffiths was the largest ratepayer in the parish of Broadway, and that the objections which he relied on to the rate of the 12th of September were, that it had not been properly made and allowed, and that 121 persons were therein stated to be excused on account of poverty from payment of the rate, without any authority for doing so from any Justices of the Peace. The affidavit of Griffiths did not state that he believed any of the above objections to the rate to be well founded. The affidavit in answer stated, that with the exception of the persons who, through poverty, were considered unable to pay their rates, and who were usually excused therefrom by Magistrates, the said J. R. Griffiths and the other three persons before mentioned were the only persons who had not paid the rate. After argument, the rule for the mandamus was made absolute, upon which the present rule was obtained, which called upon the prosecutors of the writ of mandamus and the said Justices to shew cause why the return to the said writ should not be made and joined in the names of the said Justices, but expressed to be made and joined on behalf of the said J. R. Griffiths, and why the said J. R. Griffiths should not be at liberty to frame such return and conduct the subsequent proceedings thereon at his own expense.

Martin and *Greaves* now shewed cause for the prosecutors.—This rule is applied for under 1 Will. 4. c. 21. s. 4, and it may be doubted whether the meaning of that act was to give this power to the Court, on the application of any other party than the Justices themselves. As to the objections to which it is said the rate is open, it is clear that Griffiths is not acting *bonâ fide*, but merely vexatiously, for the purpose of putting the parish to expense; and the Court ought not to lend their aid to a party who makes frivolous objections to the rate,

which he does not venture to state he believes to be valid objections.

Montagu Chambers (*E. Beavan* with him) appeared for the Justices.—If the Magistrates be joined with Griffiths in making the return, they will not be able to discharge their duty properly. If this application be granted, it will be used as a precedent for any party against whom a distress warrant has been applied for to come in and make a return.

Pashley, in support of the rule.—The rule does not require Griffiths to be joined with the Justices in making the return; it follows the terms of the statute, and the result will be, that the return will be made in the names of the Justices, but by Griffiths alone, who will be liable to all the costs. This course was adopted in *The Queen v. Paynter* (1), even after a writ of error. As to the objections to the rate: it is not necessary that the affidavit should state they are good objections. If the Court sees that they raise points of legal difficulty, there ought to be an opportunity of discussing them upon a return.

[*ERLE, J.*—One of the objections is the omission of several persons from the rate. Is not that merely a ground of appeal?]

If the omission is wilful the rate is void. As to the Justices being the only persons who could make this application, the 1 Will. 4. c. 21. incorporates the provisions of the Interpleader Act, 1 & 2 Will. 4. c. 58, by which the Court may dispose of the question summarily by consent; but if there is no consent, the Court is bound to let the third party in to make the return.

LORD DENMAN, C.J.—The words of the statute 1 Will. 4. c. 21. s. 4. give the Court a discretion as to admitting the party interested to join in making the return; and it appears to me that, in the exercise of that discretion, we ought not to permit this applicant to become the defendant. He does not charge the rate as being unequal or unjust, but in the exercise of bad passions he states points of objection which he does not even say he thinks well founded. I do not see any good in granting such a rule. It is more important that the poor should be supported than that such questions as

those proposed to be raised should be discussed upon a return to a mandamus.

PATTERSON, J.—Under the Interpleader Act we always require a statement that the claim is a *bond fide* one; so here, we ought to require such a statement with respect to the objections relied on by the applicant; but there is nothing of the sort shewn on these affidavits. They are merely frivolous objections made to the rate.

COLERIDGE, J.—I will suppose that every one of these objections is well founded, and supported before us, yet in that case I concur in the judgment of the Court; as I think we have a discretion for the purpose of preventing minute points like these being raised upon the return to the writ.

EBLE, J.—I quite agree in what has been said. It is essential that the poor-rate should be collected without delay, and objections like these ought not to prevail to interfere with that object.

Rule discharged, with costs.

1847. } THE QUEEN v. THE INHABIT-
Jan. 27. } ANTS OF MENDHAM.

Poor Law—Tenement—Renting Cow—Evidence—Contract.

On the trial of an appeal it was proved that A, the pauper's father, hired from C, his master, a cow, which was kept in the pasture season on the pasture lands of C's farm, in the appellant parish, and in the winter season in the straw-yard; that A. put the cow where there was feed for her, but nothing was said, either by his master or himself, as to the manner, or on what particular lands, the cow was to be fed:—Held, that there was no evidence from which a contract could be inferred, that the cow was to be fed on the growing produce of the land.

On an appeal against an order for the removal of Septima, the widow of William Durrant, and her four children, from the parish of Elm, in the Isle of Ely, to the parish of Mendham, in the counties of Norfolk and Suffolk, the Quarter Sessions for the Isle of Ely confirmed the said order, subject to the opinion of this Court upon a case, which set out the examina-

tions upon which the order of removal was founded, and which alleged a settlement acquired by Charles Durrant, the father of the pauper, in the appellant parish, by renting a cottage of the annual value of 5*l.*, and also the keep of a cow from Benjamin Chester, the elder, upon the growing produce of land, which was of the annual value of 5*l.* and upwards. One of the grounds of appeal was, that the said C. Durrant never did hire the keep of a cow in the parish of Mendham, of B. Chester, the elder, as in the examinations stated. On the trial of the appeal it was proved that about thirty-three years ago the said C. Durrant went to live in a cottage belonging to B. Chester, the elder, who then occupied a farm in the appellant parish, and worked for him; that after he had lived in the cottage a year, B. Chester the elder gave up the farm, and it was taken by his son, B. Chester the younger. The said C. Durrant continued in the cottage, and worked for B. Chester the younger; and it was after B. Chester the younger had taken the farm that he hired the cow of B. Chester the younger, and not of B. Chester the elder; that the cow was kept in the pasture season on the pasture lands of the said farm, which were partly in the said parish of Mendham, and partly in the adjoining parish of Withersdale, and in the winter season in the straw-yard; that he paid 4*s.* 6*d.* a week for the feed, which, during the pasture season, was worth 5*l.* a year and upwards; that the said C. Durrant put the cow where there was feed for her, but nothing was said, either by his master or himself, as to the manner, or on what particular lands, the cow was to be fed. It was objected by the appellants, that as the examinations stated the contract for the feed of the cow to have been made with B. Chester the elder, it was not competent for the respondents to give evidence of a contract with B. Chester the younger, and also that there was no proof of any contract that the cow should be pasture fed, or that it should be fed on lands in Mendham. The Sessions decided that there was not a material variance, and that there was proof of a contract, and confirmed the order of removal. If the Court of Queen's Bench should be of opinion that it was not competent for the respondents, under their examinations, to give evidence

of the contract for the feed of a cow with B. Chester the younger, or that there was no evidence of any contract that the cow should be fed upon the growing produce of the land, or that the cow should be fed on lands in Mendham, and that such a variance from the statement in the examinations was fatal, then the said order of Sessions and the said order of removal were to be quashed, otherwise to be confirmed.

Prendergast and Couch, in support of the order of Sessions.—If there is any evidence from which a contract to feed the cow on the growing pasture can be inferred, the decision of the Sessions must be supported, as it is a question for them to say whether the evidence was or was not sufficient. The contract may be determined, not only from what is said at the time when it was entered into, but also from the subsequent acts of the parties, shewing the construction which they themselves put upon what previously passed. Here it appears that Durrant put the cow where there was feed for her, and although nothing was said as to the manner, or on what particular lands, the cow was to be fed, the plain inference is that the parties understood she was to be fed upon the lands. Such an inference from subsequent acts is frequently drawn in cases of hiring and service: where also a party holds over a house for a year and pays rent, it is evidence of a contract to rent the house for a year at that rent. *The King v. Darley Abbey* (1) is strongly in point. There it is said, by Lord Ellenborough, "where parties understand the subject of their contract, a few words are sufficient for the terms of it, and sometimes it may be collected from their acts, without words." In that case, the contract was made between the pauper and his master's agent, who agreed to let him a cow for the season, but nothing was said how or where the cow was to be fed, but the farming-man was to tell the pauper in what pasture the cow could be first milked, and when the pasture was changed he was informed of it. From this evidence, the Court inferred a contract for the hire of a pasture-fed cow, and thought that, although no particular land was pointed out upon which the cow was to be fed, yet it was clear she was to be fed upon land belonging to the master.

(1) 14 East, 280.

[COLERIDGE, J.—There the Court inferred the contract from the words "for the season."]

As to the value of the tenement, that is found by the case.

[LORD DENMAN, C.J.—Yes, that must be admitted.]

Prideaux and Pashley, contra, were not called upon.

LORD DENMAN, C.J.—I well recollect the case of *The King v. Darley Abbey*, in which I thought we were hardly used by the Court, in holding that there was any evidence of the tenement at all. It is very difficult to make out any contract in that case which would give a settlement. However, that was decided on the ground that the Sessions had found there was a contract for pasture on the land, from the statement that Harvey agreed that the pauper should have the cow for the season, and that the farming-man was to inform the pauper upon which pasture the cow would be first milked, and so, from time to time, as the pasture was changed. From this they inferred that there was a perfect understanding between the parties, that the cow was to be milked on the pasture, and consequently that she was to be also fed there. It is true that in that case it is also stated that nothing was said about how or where the cow should be fed; and if that statement had stood alone, the Court must have come to the same conclusion as we do here, that there is no evidence at all of a contract to feed the cow on the land. Here there is a simple statement that the cow was hired, and that nothing at all was said as to how it was to be fed. Whatever then may have happened since, it is not a contract to feed the cow on the land. Therefore, I think the Sessions have here come to a wrong conclusion.

PATTESON, J.—I am of the same opinion. It comes to this, when the facts found are examined, there is no evidence that the cow was to be pasture-fed. The statement in the examinations is indeed very different; they are evidently the language of somebody who understood what ought to be proved, and puts the words in the mouth of the witness; but the question reserved for us is on the evidence, and there no such contract is stated.

COLERIDGE, J.—I am of the same opinion.

The King v. Darley Abbey is distinguishable, and cannot be used as an authority here, though I agree with my Lord that it is not a very satisfactory decision. The cow there was hired for the season. It is not merely that nothing was said as to how the cow was to be fed, but the master's man was to tell him in what field the cow was to be first milked, and so, from time to time, as the pasture was changed. Here, on the contrary, we have the single fact, that nothing was said as to how or where the cow was to be fed; and if the next morning the cow had been found feeding on vetches brought from fifty miles off, it would not have been any breach of the contract, and no action could have been brought. The statement in the case cited, that the cow was put all over the farm with the master's cattle, being consistent with its having been done merely by the master's permission, would not have given a settlement. For no fact, which is consistent with either of two states of circumstances can be taken as evidence of one more than the other. There may have been a reasonable expectation in the pauper's mind that the cow would be fed with the master's cattle, but that is a very different thing from a contract to feed the cow so.

WIGHTMAN, J.—*The King v. Darley Abbey* certainly closely resembles the present case; but there are some circumstances there, from which a contract might have been inferred, which are here wanting.

Order of Sessions quashed.

1847. }
Jan. 30. } THE QUEEN v. VICKERY.

Witness — Disobedience to Subpœna — Attachment — Jurisdiction.

In support of an application for an attachment for not obeying a Crown Office subpœna, it was sworn that "application was made, on behalf of the overseers of the parish of S," to three Justices, &c., to inquire into the place of the last legal settlement of A, B, &c., and to make an order for their removal:—Held, insufficient, for not shewing such a complaint by the overseer as to give the Justices jurisdiction.

A rule had been obtained calling on Robert Vickery to shew cause why a writ of attachment should not issue against him for his contempt in not obeying a writ of subpœna issued out of this court. The writ of subpœna, which issued out of the Crown Office (and upon reading which, as well as the affidavits, the rule was drawn up), commanded the defendant "to appear before, &c., such of the Justices, &c. of the county of Somerset, as may be in attendance at a petty sessions, to be held on, &c., by eleven o'clock of the forenoon of the same day, at Wellington, in the said county of Somerset, there to certify the truth upon an application to be then and there made by the churchwardens and overseers of the poor of the parish of Stawley in the said county for an order of some two of the said Justices for the removal of the said A, B, &c., poor persons chargeable to the said parish of Stawley in the said county, to the place of their last legal settlement, and that you do bring with you the account books of you the said R. Vickery for the years 1824, 1825, 1826, &c., in order that the same may be produced and given in evidence before our Justices aforesaid on behalf of the inhabitants of the said parish of Stawley."

It was stated in the affidavits for the rule, that in the year 1845 the parties named in the subpœna became chargeable to Stawley; that in April 1846 it was ascertained that they were settled in the parish of Raddington, of which the defendant was overseer, and that, in order to obtain evidence of the hiring of the father of the paupers, at the petty sessions, Vickery was duly served with the subpœna; that on the day named in the writ, application was made "*on behalf of the overseers of the poor of the parish of Stawley*," to three Justices of the Peace, in and for the said county of Somerset, at the petty sessions held at the Town Hall at Wellington, to examine and inquire into the place of the last legal settlement of the paupers, and to make an order for their removal, &c. That Vickery attended in obedience to the subpœna, but, being sworn, refused to answer certain questions touching the hiring and service, alleging that he was not compelled to furnish evidence against the parish of which he was a rated inhabitant.

Kinglake, Serj. (Ball was with him,) shewed cause.—There is a preliminary objection to this application. The Court will not grant an attachment unless the jurisdiction of the Justices over the subject-matter of the inquiry is distinctly shewn; and it does not appear from any of the affidavits that there was any complaint before them of the chargeability of the paupers. All that is said is, that “application was made on behalf of the overseers” for an order of removal. If there were no complaint, the Justices had nothing before them on which they could make an order—*The Queen v. the Justices of Buckinghamshire* (1).

The Court then called on—

Pashley, contra.—The defendant did not object to the jurisdiction either when he was served or attended before the Magistrates. But supposing there was not a sufficient complaint, there has been a disobedience to the process of the Court.

[**LORD DENMAN, C.J.**—I do not see how you can punish a person for not appearing at a judicial proceeding, unless you shew that it really was a judicial proceeding.]

It may be necessary, in an order of removal, to shew that it was made upon complaint, &c., but this was merely an application for an order, which might or might not be made; and an application, on behalf of the overseers would enable the Justices to enter on the inquiry—*The Queen v. Bedingham* (2).

[**COLERIDGE, J.**—There the application was made with the assent of the overseers; but you only attempt to meet half your difficulty, for if the overseers had attended in person, the matter could not have been gone into without a proper complaint.]

LORD DENMAN, C.J.—It is quite clear that we cannot infer a complaint; and here it is not distinctly sworn to have been made. The rule must be discharged.

PATTERSON, J., COLERIDGE, J., and WIGHTMAN, J. concurred (3).

Rule discharged.

(1) 3 Q.B. Rep. 807; s. c. 12 Law J. Rep. (N.S.) M.C. 29.

(2) 18 Law J. Rep. (N.S.) M.C. 75.

(3) See *The Queen v. Greenaway*, 14 Law J. Rep. (N.S.) M.C. 190.

1846.

Nov. 11.

1847.

Feb. 3.

THE QUEEN v. THE INHABITANTS OF LITTLE MARLOW.

Examination—Relief given by Relieving Officer of an Union.

Where the relieving officer of a union, including the parishes of M. and W, stated that he had for three years relieved the paupers while resident in M, and charged such relief in his account to the parish of W,—Held, that this statement furnished no *prima facie* evidence of relief given by the parish of W.

On an appeal against an order of two Justices for the removal of Helen Reeves, widow, and her five children, from the parish of Little Marlow, to the parish of Woburn, the Court of Quarter Sessions for the county of Bucks quashed the order, subject to the opinion of the Court of Queen's Bench, upon the following

CASE.

The parishes of Woburn and Little Marlow are parishes comprised within and forming part of the Wycombe Union, in the counties of Bucks and Oxon. The examinations upon which the order was made were taken on the 16th of August 1845, and were, so far as material to the present case, as follows:—Helen Reeves, upon her oath, said, “I was married twelve years on the 4th of March last, to James Reeves, of Well End, in the parish of Little Marlow, Bucks. My husband died in April 1841. In consequence of my husband's illness, and he being unable to work, I applied to Kingston, one of the relieving officers of the Wycombe Union, in the counties of Bucks and Oxon, for relief; I applied to him whilst he was paying the poor of Woburn parish, in Woburn, in the county of Bucks; I applied to him for relief from the parish of Woburn as being the place of settlement of my husband, and by his directions. He gave me relief about four months before the death of my husband, and he has given me relief ever since up to the present time, 8s. and seven loaves of bread a week. He told me if I came to him whilst he was paying the poor of Little Marlow, in Little Marlow parish, he would give me my relief there,

instead of my walking to Woburn parish for the weekly relief. I have always received my relief from Kingston, in Little Marlow parish. I have lived in the parish of Little Marlow all my life, as well all the time I have been receiving relief from Kingston as before."

The examinant, Henry Kingston, upon his oath, said, "I am one of the relieving officers of the Wycombe Union, in the counties of Bucks and Oxon. About four years ago the pauper Helen Reeves applied to me whilst I was relieving the poor of Woburn, in the county of Bucks, for relief for her husband, who was ill. I gave her relief for her husband, and charged it in my account to the parish of Woburn, which relief has been continued and charged to the parish of Woburn until the last twelve months, when I received an order from the board of guardians to charge the relief to the parish of Little Marlow, which I accordingly did; but did not give the overseers of Little Marlow any notice that the payment had been charged to Little Marlow instead of Woburn."

At the hearing of the appeal, it was objected by the appellant parish (an objection duly taken by the grounds of appeal), that the examinations were insufficient to shew that Helen Reeves and her children were settled in their parish. The Court thereupon quashed the order upon the merits. The question for the opinion of the Court of Queen's Bench was, whether the examinations as herein set forth were *prima facie* sufficient to shew that Helen Reeves and her children were at the time of making the order settled in the parish of Woburn? If they were, the order of the Court of Quarter Sessions was to be quashed.

Birch and Sanders, in support of the order of Sessions.—The examinations contain no legal evidence of relief given to the paupers by the parish of Woburn; they shew no previous authority given by Woburn to the relieving officer of the union to make the payment on their behalf, nor any subsequent recognition of his acts as their agent. The accounts in which the payments are said to have been charged to the parish of Woburn were not produced in evidence; and there is nothing to shew that the parish officers or guardians of Woburn ever knew of the payment; and no

presumption of acquiescence on their part arises from the facts stated: on the contrary, the inference is that they repudiated the payment, for the board of guardians ordered the relief to be charged to Little Marlow. The examinations do not even state, as they should have done, that the relief was given by or on the part of the parish; and this ought not to be left doubtful—*The Queen v. Lilleshall* (1), *The Queen v. the Justices of Carnarvonshire* (2). The term "relieving officer" is unknown to the law. What the duties of such an officer may be, this Court cannot tell. And the examination, in truth, amounts to this, that some unauthorized individual made a payment, which, if the parish of Woburn had heard of it, they might have acknowledged.

[COLERIDGE, J.—Would not your argument destroy all settlement by relief?]

Yes; unless the parish on whose behalf relief is given have notice of the fact. But though relief can now only be given by the board of guardians, except in cases of sudden and urgent necessity, by 4 & 5 Will. 4. c. 76. ss. 52. and 54, the parish may still be bound, if it be shewn that the guardian representing that parish at the board has notice of relief directed by the board to be given on behalf of his parish. *The Queen v. the Inhabitants of Bradford* (3) is decisive of this case.

Montagu Chambers and Power, contra.—This is not the case of a statutable settlement, all the material ingredients of which must be distinctly stated. It is sufficient if there was a scintilla of evidence of relief given by Woburn, upon which the removing Justices might proceed to act. To hold that there was no evidence at all would create a case of extreme hardship upon the parish of Marlow. The paupers were resident in Marlow, from Christmas 1840, to August 1844; but they were irremovable from Marlow, because not chargeable to it, they having, during the whole of that time, been receiving relief given by the public officer of the union, and avowedly given on behalf of another parish. Acts done by a

(1) 7 Q.B. Rep. 158; s. c. 14 Law J. Rep. (N.S.) M.C. 97.

(2) 2 Ibid. 325; s. c. 11 Law J. Rep. (N.S.) M.C. 8.

(3) 15 Law J. Rep. (N.S.) M.C. 117.

public officer, in the execution of his duty, must be presumed to have been rightly done. It is said, payment by a relieving officer of an union is not payment by the parish in the union to whom he charges it; but payment by an overseer, formerly, was only payment by him as the agent of the parish. The relieving officer, at least, pays as agent of the board of guardians, whose servant he is. If so, he pays as agent of each member of that board, whose knowledge of his acts can be either distinctly proved or reasonably presumed. Here the accounts, in which the charge against the parish of Woburn, in respect of these paupers, appeared for four successive years, must have been submitted to the board of guardians, and audited once a quarter. Each parish still pays for its own poor. Every time during those four years that the parish of Woburn was called on by the board of guardians to pay its quota towards the expenses of the paupers belonging to it, it must be taken to have known how many and who those paupers were, especially since by section 55. of the 5 & 6 Will. 4. c. 76, a register must be kept of the name of all persons receiving relief, both in and out of the workhouse.

Cur. adv. vult.

The judgment of the Court was delivered (Feb. 3rd) by—

LORD DENMAN, C.J.—It appears, by the case, that Little Marlow and Woburn are both in the Wycombe Union. The deceased husband, with the paupers, was resident in Little Marlow; and he being ill, his wife went to Woburn, and applied to Kingston, a relieving officer of the union, while he was paying the Woburn poor there, for relief. He gave her relief, and, in order to save her the coming from Little Marlow, told her she might, for the future, receive her relief from him in Little Marlow, when he was, in the course of his duty, paying the paupers of that parish there. This he accordingly did for some months during the lifetime of the husband, and subsequently for a period of more than a year. Kingston stated, in addition, that he had charged the relief to the parish of Woburn till the last twelve months before his examination, when the board of guardians had ordered him, for the future, to charge it to Little Marlow,

which he had accordingly done, but had not given the overseers of Little Marlow any notice of the charge. The point raised upon this statement is, whether there is any *prima facie* evidence of relief given by the parish of Woburn. It was given by the hand of Kingston, the relieving officer. If he was the agent of the parish, and acting within the scope of his authority, or if the fact was brought within the knowledge of the overseers of Woburn, then it must be taken to have been given by Woburn. If neither of these propositions are sustainable, then Woburn cannot be affected. As the objection was raised upon the examinations, the admissibility of any part of the evidence would, of course, be questioned at sessions. We cannot, therefore, take notice of any charge on the one parish or the other which the relieving officer might have made in his books, for they were not produced; nor is there any statement, if they had been, of their ever having been shewn to or brought within the cognizance of the overseers of Woburn parish; nor is there any reasonable presumption that they would be present at, or know anything about, the fact of payment of a pauper in Little Marlow, so as thence to draw any inference against the parish of an admission of settlement. The evidence, therefore, if any, would arise from the acts of Kingston binding the parish, as of an agent acting within the scope of his authority. And it may be that the relieving officer is so appointed, or has such communications with the guardian or the overseer of each parish that an agency of this sort might fairly be inferred. But nothing appears on this case but the simple fact of a relieving officer administering relief; and all that we gather from the statute 4 & 5 Will. 4. c. 76. is, that the relief of the poor in a union is administered by the board of guardians; from which the natural inference is, that the relieving officer is their servant. In some way, the guardian representing each parish at the board, certainly ought to become aware of the individuals relieved on account of his parish; but, on the present statement, this is left far too uncertain to be made the ground of fixing the settlement. And this view is in accordance with that which the Court took in the case of *The King v. Bradford*, on the evidence of chargeability

afforded by a single act of relief administered by a relieving officer. We think, therefore, that the Sessions were right in their conclusion, and that this rule ought to be discharged.

Order confirmed.

[IN THE COMMON PLEAS.]

1846. } GIBBS AND ANOTHER v. FLIGHT
Nov. 24. } AND ANOTHER.

Parish Law—Churchwardens, Election of—Select Vestry—Custom.

In the parish of S, in London, there was a select vestry, consisting of the parson and those persons who had served the office of churchwarden, or paid a fine for not doing so; and by this body the churchwardens were elected. From the earliest records of the parish, commencing in 1648, it appeared that a fresh churchwarden was annually elected to serve the office of junior churchwarden, and the junior churchwarden for the preceding year became the senior churchwarden for that year. This custom had been acted upon from the year 1648 up to the great fire of London, when two persons acted as junior and senior churchwardens during five years; the custom was then renewed and acted upon up to the year 1734, and during the interval from that year to 1775 there were no records; from the latter year to 1824 the same course was pursued, with four exceptions. Upon a case, on which it was agreed that the Court should have the power of drawing inferences in the same manner as a jury,—Held, that there was a custom that a parishioner, not a member of the select vestry, should be elected every year to serve the office of junior churchwarden, who in the next ensuing year should succeed to the office of senior churchwarden, and at the expiration of that year should become a member of the select vestry, by which means its members would be supplied; and that the election of G, a member of the select vestry, who had served previously the offices of junior and senior churchwarden, to serve the office of junior churchwarden in 1844 was void.

This action was tried, before Tindal, C.J., at the London Sittings, after Michaelmas term, 1844, when a verdict was found for

the plaintiffs, damages 40s., subject to the following

CASE.

The declaration was in trover, and stated that the plaintiffs, as churchwardens of the parish church of St. Stephen, Walbrook, were lawfully possessed, as churchwardens as aforesaid, of certain goods and chattels, and that the defendants converted them to their own use. To which declaration the defendants pleaded, first, that the plaintiffs were not churchwardens as aforesaid; secondly, that the plaintiffs were not possessed as of their property as churchwardens of the said goods and chattels, or any of them; thirdly, that the defendants were not guilty. On which pleas issues were joined.

The parish of St. Stephen, Walbrook, has been a parish from time immemorial, and it contains sixty-seven houses, a great number of which are at present used as counting-houses. In 1670, after the great fire of London, the adjoining parishes of St. Stephen, Walbrook and St. Benets Sherehog were united, by act of parliament (22 Car. 2. c. 11), for certain purposes, and still are so; having one common church, but separate churchwardens and separate overseers of the poor. The oldest vestry book of the parish of St. Stephen, Walbrook, commences with an entry of the 24th of April 1648, and terminates with an entry of the 22nd of February 1699; the second vestry book commences with an entry of the 22nd of February 1699, and terminates with an entry of the 9th of August 1734; the next vestry book in existence commences with an entry of the 19th of April 1775, and terminates with an entry of the 21st of April 1843. These books contain entries of the several vestry meetings of the said parish. The meetings are all entered in the same general form: the names of the members stated to have been present being written under the word "present," and varying in number from time to time as hereinafter mentioned. A copy of one of those entries was then set out.

These vestry meetings appear to have been usually held several times in the course of the year; and it does not appear from the books that any such meeting was held out of the parish, except shortly after the great fire of London, when between

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the years 1666 and 1672, the meetings were sometimes holden at an inn, called The Cardinal's Cap, in Moorfields, out of the parish. The earliest entry of any election of churchwardens contained in these books is of the date of the 25th of March 1649. During the period covered by the books, the churchwardens appear to have been always elected by the vestry of the parish at the parish meetings. There is, however, in the books under date of the 12th of April 1672, an entry hereafter set out. After referring to some defective entries, from which the qualifications of certain persons, who attended meetings in 1648 and subsequently, could not be ascertained, the case stated that the vestry books of the said parish shewed that, with the exception of those persons and of the persons who attended the meeting of the 12th of April 1672, the vestries of the parish throughout the period covered by the books up to 1835 have, independently of the clergyman for the time being of the parish, been constituted and composed of persons who, previously to attending such vestries as vestrymen, or acting as members thereof, had been elected churchwardens of the said parish. In all the entries of vestries throughout the books, at which the parish business was transacted, the names of at least three vestrymen, independently of the clergyman, who appears sometimes to have attended and sometimes not, are entered as having been present. The largest number of persons that are entered as being present at any vestry held prior to the 12th of April 1672 is sixteen, which number appears only at a vestry held on the 11th of May 1648. It appears that during the period from 1648 to 1672 there were 102 vestries held, at which parish business was transacted, two of these were composed of six, and one of three vestrymen only. The remainder were composed of numbers exceeding eight. Subsequently to the 12th of April 1672 and up to 1699, the largest number present was in two instances fifteen; and out of the 199 vestries held during that time, two were composed of six; twenty-four of seven; forty of eight; and the rest of more than eight vestrymen. During that period there were other vestries entered, at which it was stated nothing could be done, in consequence of a sufficient

number of vestrymen not attending; five, six and seven were in some instances mentioned as the numbers present. These were set out. From 1648 to 1734, the period comprised in the two oldest vestry books, there is no entry in the books of any election of a churchwarden at a vestry where fewer than eight, including the clergyman of the parish, attended. From 1734 to 1775, no vestry books are in existence. From the commencement of the third book in 1775 to its termination in 1843, vestries have been held, composed of numbers varying from three upwards, at which vestries parish business, including the election of churchwardens, had been transacted; the largest number entered during this period as present at a vestry where parish business was transacted being eleven. At the time of the great fire of London, that is to say, 1666, two persons of the name of Wilkinson and Quiney appear to have been serving the office of churchwardens, and appear to have acted as such for five years consecutively after that calamity, that is to say, up to and until 1672. Wilkinson appears to have been elected junior churchwarden at Easter, 1664; and Quiney appears to have been elected junior churchwarden at Easter, 1665. From 1648 to 1734, one fresh churchwarden appears to have been chosen every year from the body of parishioners at large, except during the interval before spoken of, between 1666 and 1672. Such person elected appears to have served firstly the office of junior, and the next year to have been elected to and served the office of senior, churchwarden, except in four instances. On the 3rd of April 1672, a faculty was issued by the then Bishop of London, which was set out in the case. After reciting that since the fire of 1666 most of the vestry of this parish were settled in other places, by reason whereof the vestry was reduced to a number incompetent to transact the affairs of the parish, and a desire on the part of the parishioners that fourteen persons might be added to the permanent ancient vestrymen, and that in case of vestrymen dying, removing, or vacating their office, the most sufficient persons might succeed them, to be chosen by the greater number of the vestry, or eight at least of them, proceeded to appoint persons

therein named to be added vestrymen in the parish, and that as any of them should die or remove out of the parish, to choose such other persons of the parish in his or their room, according to the ancient custom of this parish, to act as vestrymen. This was read at a vestry on the 12th of April 1672, and in the entry of that vestry it was stated that Churchwarden Quiney did then move for electing to the place another churchwarden, and to choose auditors of his accounts, being desirous to be eased of his long trouble and charges, upon which they chose Mr. John Sympson to be churchwarden in the place of Mr. W. Wilkinson; and then Mr. Marriott (the rector) pleaded his privilege of choosing a churchwarden every other year, and having elected none since he was rector of the parish, did choose Adrian Quiney upper churchwarden, and prevailed with him to hold it. Four of the persons present at this meeting only had served the office of churchwarden, but were persons mentioned in the faculty. A portion of them afterwards served the office of churchwarden, or were fined for non-acceptance of the office. Since 1835 the overseers, it was stated, attended the vestries. From 1775 when, as before mentioned, the books produced commence again, after a gap from 1734, the practice of electing a churchwarden every year from the ranks of the parishioners at large appears to have prevailed down to 1824,—such persons so elected serving firstly the office of junior, and the next year elected to and serving the office of senior, churchwarden, except in four instances. It appears from the entries in the books that the plaintiff, Gibbs, was elected to and served the office of junior churchwarden at Easter 1811, and that of senior the two following years; that he was again elected to and served the office of junior churchwarden in 1824, and during the following years, viz. until and up to his supposed re-election in 1844, was elected to and served the office of senior churchwarden. J. P. Atkinson was elected junior churchwarden in 1825 by the vestry, and was annually re-elected junior churchwarden, until and at Easter 1840. At Easter 1841 W. E. Eddison was elected junior churchwarden by the vestry, and was annually elected junior churchwarden until and at

Easter 1843. On the 12th April 1844, at a vestry meeting duly convened, the plaintiffs were unanimously elected churchwardens, there being then present at such meeting, and acting in and about such election, the two plaintiffs, one T. P. Atkins, one William Adams, one W. E. Eddison, one W. Alexander, and one G. T. Blogg; of those seven, Alexander, the plaintiff Whitaker, and Blogg, were overseers of the poor of the parish, but had never before then been elected to and served the office of churchwarden, or been fined for not doing so. The plaintiff Gibbs, Atkins, and Eddison had before then been elected to and served the office of churchwarden. At the time of the supposed election of the plaintiffs, in 1844, there were only seven persons in existence who had either been elected to and served the office of churchwarden or been fined for not doing so. Possession and conversion by the defendants of the books in the declaration mentioned was stated in the case to be admitted; and the question for the opinion of the Court was,—Were the plaintiffs entitled to maintain this action; the Court to be at liberty to draw such inferences of fact as a jury would be justified in doing. If the plaintiffs were so entitled, the verdict was to stand; if not, a nonsuit was to be entered. Liberty was to be reserved to either side to turn the case into a special verdict; and the Court was to direct the conclusions of fact properly deducible from the case, for the purpose of their being stated in the special verdict.

The plaintiffs' points were, first, that there is evidence from which a jury might properly find the existence of a custom in the parish of St. Stephen, Walbrook, to have a select vestry constituted of the rector, when present, and of parishioners who had been elected churchwardens, and had served as such, or been fined for not doing so; secondly, that the number of parishioners requisite to form a quorum need not be more than three; thirdly, that it is not part of the custom that one of the churchwardens must retire every year, and cannot be re-elected, and that the other must succeed in his place; fourthly, that the rector has no right to elect a churchwarden in that parish. The defendants' points were, first, that the custom in the parish, if any, is this, viz., that the vestry should be constituted of

persons, the rector excepted, who, before attending as vestrymen, had been elected churchwardens, and served the office, or been fined for not doing so; that there should be eight, at least, of such vestrymen present at the election of churchwardens; that the junior churchwarden then chosen by such persons should be chosen from the parishioners at large, such person serving the office, firstly, of junior churchwarden, and the year next following the office of senior, the latter retiring every year; secondly, that the plaintiff Gibbs, having served the office of senior churchwarden in 1843, could not, according to this custom, be elected to the office of senior churchwarden in 1844; thirdly, because in 1673, as well as on the 12th of April 1844, the number of vestrymen was reduced below eight, and so the custom, if any, was gone for ever; fourthly, because the custom, if any, is uncertain and unreasonable; fifthly, that it has not been peaceable from time immemorial, but, on the contrary, matter of contention and dispute, as appears from Dr. Marriott's claim, in 1672, which was made out and submitted to in open vestry; sixthly, that Dr. Croly, as rector, had, in 1844, the right to elect a churchwarden.

In Easter term last the case was argued by—

Sir T. Wilde, Serj., (Channell, Serj. and Cowling, with him,) for the plaintiffs.—It is clear, from the evidence stated in this case, that from the earliest period at which any record of this parish can be found it was governed by a select and not an open vestry. It may, therefore, be presumed that a select vestry has always existed; and the only remaining question is, whether the custom was followed in the election of the plaintiffs. Upon that point it is to be observed, that there never has been any certain definite number of select vestrymen, unless the faculty can be considered to controul the original custom. It, however, was simply void, and neither annihilated nor modified the custom, which still continued to subsist—*Golding v. Fenn* (1), and *Dawson v. Fowle* (2). It is like the case of the acceptance of a void lease, which does

not put an end to a previous valid lease—*Berry v. Banner* (3). The adjournments which took place subsequently, where the number of persons present did not amount to that prescribed by the faculty, are referable to the faculty, and cannot be regarded in the consideration of the main question. Then that question is, what was the requisite number? And upon the authority of *Golding v. Fenn* it is clear, that even if the smallest number was not fixed by the custom, it would be valid. Lord Tenterden there lays down the law in these words, upon the subject of a similar custom: "We are also of opinion, that a custom of this kind is not void in law for want of a minimum," and then proceeds, "Although no numerical minimum be fixed by the custom, it by no means follows as a consequence, that the number may be reduced to two or three, as the objection supposes; the law may consider it as part of such a custom as the present that there shall be a reasonable number. I am aware that this may lead to a question, what shall be a reasonable number? Such a question, if raised, would have to be decided with reference to long-established usage, and to the population of the parish." Here the parish is extremely small, the greater portion by far of the houses not being inhabited as residences, but occupied as offices and warehouses; and if three would be a sufficient number in any parish, it would be so here. Now, the numbers have varied from time to time, in some cases there being only three; so that it may fairly be considered that there has been no fixed minimum. That three, too, is not an unreasonable number, may be inferred from *Sturges Bourne's Act*, 59 Geo. 3. c. 12. s. 1, which authorizes a select vestry of five, three of whom constitute a quorum, for the purposes pointed out by that act. A vestry may be convened for other purposes, though there be a select vestry—*The King v. the Churchwardens of St. Martin's in the Fields* (4). For the purposes for which the vestry was originally constituted, three may be an ample number, as it is considered in many cases of committees of public companies, as well as it has been regarded as sufficient for the management of the poor.

(1) 7 B. & C. 765; s. c. 6 Law J. Rep. K.B. 178.

(2) Hardr. 378.

(3) Peake, N.P.C. 156.

(4) 3 B. & Ad. 907; s. c. 1 Law J. Rep. (N.S.) M.C. 96.

[COLTMAN, J.—What do you say is the custom in this parish?]

That the select vestry may elect churchwardens, either out of the parish at large or from among themselves, a sufficient number to constitute a select vestry still being preserved; and if there be not a sufficient number, then that the election should be from the parishioners at large. *Golding v. Fenn* shews that a custom for the select vestry to elect is not unreasonable and void, though in effect the result comes to this, that the select vestry is a self-elected body.

Talfourd, Serj. (G. Atkinson with him), for the defendants.—Until the question was put by Coltman, J., it was wholly uncertain what the plaintiffs asserted to be the custom of this parish; but taking it to be as suggested by the answer, it is impossible that such could have been the custom, or if it were the custom, that it could have had a legal origin: it is, in fact, suicidal. The proposition is in effect, that the select vestry may, from time to time, go on electing one another churchwardens until the number is reduced to three; no reason, even for that limit, is assigned, and they may even be reduced to two. Such a custom would be extremely unreasonable; it is not borne out by the evidence, and its very unreasonableness is a strong argument against its having been the original custom. On the part of the defendants, it may be assumed that there is a select vestry in this parish. The custom contended for by the defendants is this, that in each year the select vestry should elect a person, from the parishioners at large, to be the junior churchwarden, the junior churchwarden of the preceding year becoming the senior churchwarden, and the senior churchwarden becoming a member of the select vestry. Down to 1824, that seems, with four exceptions only, excluding the accident of the fire, to have been the course pursued; and it is a most reasonable custom, as it insures a constant supply of members to the select vestry, and secures it from being reduced to such a small number as to render it useless. Since 1822 that custom has been departed from, and the plaintiff Gibbs has obtained a fee simple in his office. A stronger illustration of the unreasonableness and absurdity of the custom contended for by the plaintiffs cannot be afforded than the facts of this case pre-

sent: it has been a perpetual succession of self-re-elections. It differs in this most essential point from the custom upheld in *The King v. Brain* (5); and has none of the attributes which Lord Tenterden thought necessary in *Golding v. Fenn*. The argument derived from the statute 59 Geo. 3. c. 12. has no weight; for there the vestry must consist of five in addition to the churchwardens and overseers, making nine at least; and though it is said, that three out of the five may form a quorum, in addition to the officers, yet here two of the very officers, to elect themselves, may constitute the majority. Then the faculty is a most important piece of evidence to support the proposition of the defendants. It is not contended, that that faculty in any way altered the custom; it is admitted that it could not so operate, but surely it affords strong evidence of what the original custom was, when it appears to be consistent with the anterior usage. The exception during the period immediately consequent on the fire of London, affords no argument; it is natural to suppose that in an emergency of that character, the ordinary course would not be pursued. The evil of the present system is this, that entire irresponsibility is created, and the whole affairs of the church are controuled by three or four persons, self-elected, and elected to the utter exclusion of all power on the part of the parishioners, whose interests are intrusted to them. The cases of *Tyson v. Smith* (6), *Beckwith v. Harding* (7), *Owen v. Stainoe* (8), *Needler v. the Bishop of Winchester* (9), *Fryer v. Johnson* (10), *Hillon v. Lord Granville* (11), point out the requisites of a custom to render it legal, and, tried by the test they lay down, the custom contended for would be void.

Sir T. Wilde, in reply.—The question is not whether the select vestry should consist of three, but whether its liability to be reduced to that number renders the cus-

(5) 3 B. & Ad. 614; s. c. 1 Law J. Rep. (N.S.) M.C. 53.

(6) 6 Ad. & El. 745; s. c. 9 Ad. & El. 406; 6 Law J. Rep. (N.S.) K.B. 189.

(7) 1 B. & Ald. 508.

(8) Skin. 45.

(9) Hob. 225.

(10) 2 Wils. 28.

(11) 5 Q.B. Rep. 701; s. c. 13 Law J. Rep. (N.S.) Q.B. 193.

tom void. To hold that it does so would overrule *Golding v. Fenn*. The possibility of the number being reduced to one is no reason for treating the custom as null. The only ground for fixing upon eight is the faculty; and the circumstance of the faculty mentioning that number shews rather that a limit was required and did not previously exist.

Cur. adv. vult.

TINDAL, C.J.—This was an action of trover, for books claimed by the plaintiffs as churchwardens; and the question is, whether they were churchwardens of the parish of St. Stephen, Walbrook, for the year beginning on the 12th of April 1844. In other words, whether the election of the plaintiff Gibbs into the office of senior churchwarden on that day is void, he having been constantly elected into the same office from the year 1825. We find from the evidence, that, according to the custom of this parish, two churchwardens are to be chosen annually by the select vestry, and that the select vestry is composed of the clergyman for the time being, and of those who have been elected to the office of churchwarden, and have either served it, or been fined for not doing so. It is stated that the records of the parish begin in 1648, and that from thence to 1784, one fresh churchwarden was chosen annually from the parishioners at large, who served the office of junior churchwarden for one year, and who was elected and served the office of senior churchwarden for the next year, with an exception from 1666 to 1672, which is immaterial, as occasioned by the fire of London, and with an exception of four other instances only; that from 1784 to 1775, there are no records, and that from 1775 to 1824 the same course was pursued, except in four instances only. Upon this statement a presumption is raised that the course so generally adopted is the course required by the custom; and this presumption is strengthened by considering that the union of interest between the select vestry and the other parishioners would probably be maintained by adhering to it, and might be destroyed by departing from it, and that the parishioners would in prudence take precautions to secure such union before they would consent to establish a

custom for a select vestry. If the succession to the office of senior churchwarden could be legally stopped by continuing the same person in that office for many years, the same rule would apply as to the office of junior churchwarden; and, indeed, it appears that for fifteen years, while the plaintiff Gibbs held the office of senior churchwarden, one person held the office of junior churchwarden, and the consequence has been, as would be expected, that the number of the select vestry has been most inconveniently reduced. We, therefore, take the effect of the evidences to be, that it was part of the custom by which the right of electing churchwardens was conferred upon the select vestry, that a new person should be elected every year into the office of junior churchwarden, and that the junior churchwarden of the preceding year should succeed to the office of senior churchwarden. If such be the custom, it follows that a repeated re-election of the same person to the same office of senior or junior churchwarden, without any necessity for so doing, is contrary to the custom; consequently the election in question of the plaintiff Gibbs was not valid, and a nonsuit ought to be entered.

Plaintiffs nonsuited.

1847. }
Jan. 29; } THE QUEEN v. HINCHLIFFE AND
Feb. 14. } ANOTHER.

Bastard—Order of Filiation—Abandonment of Order—Costs—Jurisdiction.

An application on summons for an order of filiation was heard before H. and B, two Justices, on the 14th of April. An adjournment took place to the 17th, when the Justices forming the Court were H. and C. An order then was made, and it was appealed against, on the ground that the mother had not been re-sworn on the second occasion. Afterwards, on the 2nd of May, the attorney for the mother gave notice of abandonment of the order, and tendered 1l. 10s. for costs, which were accepted as costs of the adjournment only.

A subsequent application being made to two Justices for an order in the same matter:—Held, that they were not bound to enter-

tain the application, the full costs of the former order not having been paid.

Quære—Whether, if such full costs had been paid or tendered, they could be compelled to entertain such application, the first order not having been quashed or vacated.

A rule had been obtained, calling on the Rev. J. Hinchliffe and W. Baker, Esq., two Magistrates, to shew cause why they should not hear evidence, &c. in a case of bastardy.

From the affidavits it appeared that, on the 4th of April 1846, Rebecca Whittington, having been delivered of a bastard child, applied to the above Magistrates for a summons on the putative father. A summons accordingly issued for the 14th, and was duly served on the father.

On the 14th the application was heard before the same Magistrates, and the woman was sworn and examined, and also cross-examined by the attorney for the putative father.

The application was adjourned till the 17th. On that day Mr. Baker was not present, but Mr. Hinchliffe and another Magistrate formed the Court. The woman appeared with her attorney, and the attorney for the putative father also appeared, and when she was about to be examined he insisted that she ought to be re-sworn. The attorney for the woman objected, and she was not re-sworn, and an order was made in the form given by the Schedule 8 & 9 Vict. c. 10.

The attorney for the man immediately gave notice of appeal for the next sessions, on the ground that the woman had not been examined on oath. On the 25th of April the putative father entered into the usual recognizances to appear at the Sessions. The sum adjudged to be paid, 2s. a week, was paid under the order. On the 2nd of May the attorney for the woman gave notice to the attorney of the putative father, that he should abandon the order, and tendered 1*l.* 10s. for costs up to the time of giving the notice. This sum was accepted, but the attorney for the putative father stated in his affidavit, (and this did not appear to be contradicted,) that he accepted it as the costs of the day, in respect of the adjournment, but not as the costs of the order.

On the same 2nd of May application

was made to a Magistrate for a summons on the putative father. This was returnable on the 12th of May, on which day the attorney for the putative father attended, and produced the opinion of counsel, to the effect that the application could not be entertained, there being an order still in force. The hearing was adjourned till the 17th of May, when a contrary opinion was produced. The Magistrates, however, declined making the order.

Whitehurst and *Huddleston* shewed cause.—An order of filiation once made cannot be abandoned, so as to entitle the party in whose favour it was made to apply for another. The present order might at any time be enforced by the mother, and the recognizances which have been given to appeal against it cannot be discharged but at the Sessions. If a second order could be made there would be no limit to the number of applications which might be made in respect of a single case of bastardy.

[WIGHTMAN, J.—Suppose that a bad order was made by mistake, could not a fresh order be made?]

If a new order can be granted at any time, the mother might abandon, with a view of getting a larger amount of weekly allowance. Under the old law the Sessions had concurrent jurisdiction with the Magistrates; and in *The King v. England* (1), an order of Sessions in a bastardy case was quashed, by reason of having been made whilst an order of Magistrates was in existence, which the Court held could only be quashed on appeal. The order, which is good on the face of it, can only be quashed on appeal—*The King v. the Inhabitants of Great Marlow* (2), *The King v. the Justices of Cambridge* (3). This is not like the case of an order of removal—*The Queen v. the Inhabitants of St. Pancras* (4).

[COLERIDGE, J.—There is no case which shews that where an order is bad for want of jurisdiction, a second application may not be entertained.]

There was jurisdiction in this case. The omission to swear the witness was matter

(1) 1 Str. 503.

(2) 2 East, 244.

(3) 2 Ad. & El. 370; a. c. 4 Law J. Rep. (N.S.) M.C. 8.

(4) 3 Q.B. Rep. 347; s. c. 12 Law J. Rep. (N.S.) M.C. 42.

of appeal. If the woman had not proceeded on the first summons, she might, perhaps, have procured a second by analogy to orders of removal—*The Queen v. the Justices of Middlesex* (5). It might be necessary, in a case like the present, that the Magistrates should keep the order for their own protection; and if the woman had died, the sums ordered to be paid under it would go in aid of the parochial rates. In *The Queen v. Bridgman* (6), the Magistrates, without proof, assumed the existence of a previous order. There was, at all events, no proof before the Justices of the abandonment of the first order—*The Queen v. the Inhabitants of Charlbury and Walcott* (7). In *Com. Dig. tit. 'Bastard,'* (G.) 2, it is said, that "after vacating an order of two Justices, or upon an original application to the Quarter Sessions, the Court may refer the matter to two Justices, and, upon their report, make an order. *The King v. Smith* (8) is in point to shew that the first order should have been vacated. *The King v. Burrell* (9), *Pridgeon's case* (10), *Slater's case* (11), and *The King v. Tenant* (12), are to the same effect. This is like the case of appointment of overseers—*Barons v. Luscombe* (13), or the case of an arbitration—*Irvine v. Elmon* (14), or a rate—*The Queen v. the Inhabitants of Fordham* (15), *The Queen v. the Inhabitants of Oundle* (16).

Sir J. Jervis (Attorney General), and *Pashley*, contra.—If the costs had been accepted as sufficient, there would have been no question about the matter; as there would then have been clearly a contract to undo all that had been previously done. The case must turn on the words of the statute; and an order of this kind,

just as an order of removal, may be abandoned before the sessions are seised of it. In *The King v. England* an appeal had been entered. In the cases of *The Queen v. the Inhabitants of Fordham*, and *Barons v. Luscombe*, the orders were valid and subsisting. The argument on the other side must go the length of contending that if an order of filiation, good on the face of it, were made on A, and it was afterwards found out that the woman had made a mistake as to the christian or surname of the party, a fresh order could not be obtained. So, if the Magistrates refused to make an order, none could be made on any subsequent application. The abandonment of an order is analogous to a *nolle prosequi*—*The Queen v. St. Anne's, Westminster* (17). All the authorities on this subject are collected in *The Queen v. the Justices of the West Riding of Yorkshire, Longwood v. Halifax* (18). A party may abandon or waive a Judge's order, which has been made at his own instance—*Maunder v. Collett* (19), *Wickens v. Cox* (20). It cannot be said that both orders are in existence at the same time—*The Queen v. the Inhabitants of Great Bolton* (21).

Cur. adv. vult.

The judgment of the Court was subsequently delivered by—

LORD DENMAN, C.J.—A mandamus was applied for to hear evidence in a case of bastardy, under the following circumstances:—The mother appeared before the Rev. Mr. Hinchliffe and W. Baker, Esq., two Justices of the Peace in petty sessions on the 14th of April, and was sworn and examined respecting the father of her child. The case was adjourned to the next petty sessions, holden on the 17th, when Mr. Baker was not present, and Mr. Hinchliffe and another Justice of the Peace formed the Court. She prayed for an order; the attorney for the putative father required that she should be re-sworn; this was objected to by the attorney for the mother:

(5) 11 Ad. & El. 809; s. c. 9 Law J. Rep. (n.s.) M.C. 59.

(6) 16 Law J. Rep. (n.s.) M.C. 44.

(7) 3 Q.B. Rep. 378; s. c. 13 Law J. Rep. (n.s.) M.C. 19.

(8) 2 Bulstr. 842, 355.

(9) 1 Mod. 20; s. c. 1 Ventr. 48; 2 Salk. 475.

(10) Sir W. Jones, 330.

(11) Cro. Car. 470.

(12) 2 Ld. Raym. 1423.

(13) 3 Ad. & El. 589; s. c. 4 Law J. Rep. (n.s.) M.C. 109.

(14) 8 East, 54.

(15) 11 Ad. & El. 84; s. c. 9 Law J. Rep. (n.s.) M.C. 3.

(16) 3 Q.B. Rep. 353; s. c. 11 Law J. Rep. (n.s.) M.C. 79.

(17) *Ante*, 41.

(18) 2 Q.B. Rep. 705; s. c. 11 Law J. Rep. (n.s.) M.C. 57.

(19) 16 Law J. Rep. (n.s.) C.P. 17.

(20) 4 Mee. & Wels. 67; s. c. 7 Law J. Rep. (n.s.) Exch. 224.

(21) 14 Law J. Rep. (n.s.) M.C. 122.

the Court made the order on her examination taken at the former Court. Notice of appeal was instantly given. Afterwards, and before the time for holding the Quarter Sessions, the attorney for the mother gave notice of abandoning his order, and tendered 1*l.* 10*s.* for costs. That sum was accepted by the attorney for the putative father, but he swears that he accepted it for the costs of the adjournment only, and that that sum was wholly inadequate to cover the whole costs of the order: and this certainly appears probable. The attorney for the mother then applied to the two Justices of the Peace named in the rule, to hear the case a second time. They refused till the opinion of a learned barrister was produced: but though that induced them to hear the evidence, they were deterred by an opposite opinion obtained from similar authority, from adjudicating and from making an order,—apprehending that they could not legally do so, because the order first made was still in force. We need not enter into any discussion of the doctrine touching the abandonment of orders, because it founds itself on the supposition of the opposite party before the order was made being completely reinstated in the position occupied by her. But in the present case, the attorney for the mother had not paid the costs of the order which he sought to abandon, and had not therefore restored the opposite party to the condition in which he would have been if it had not been made. And we think that on this ground the Justices of the Peace ought not to have been required to do what this rule aims at.

Rule discharged, with costs.

1847. } THE QUEEN v. THE INHABIT-
April 28. } ANTS OF LANDKEY.

Appeal—Order of Sessions—Conclusiveness of—Special Entry.

After an appeal against an order of removal had been entered and respited, the respondents, on the 22nd of March, gave notice to the appellants that they abandoned the order, and intended to appear at the next Quarter Sessions only for the purpose of quashing it, and obtaining a special entry;

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“that such order was quashed not upon the merits,” and also undertook and offered to pay all costs incurred up to the time of the service of the notice. At the Sessions, held on the 8th of April, the application for such special entry was opposed by the appellants, and the entry made was, “order quashed without any special entry, as the Court has no evidence before them to enable them to make such special entry.”

On appeal against a subsequent order, made on examinations setting forth the same facts as those on which the former order was made, and no other:—Held, that the former order was not conclusive as to the settlement, but that evidence was admissible to shew that the former order had not been quashed on the merits.

On appeal against an order of two Justices for the removal of Elizabeth Wedlake and her seven children from the parish of Roborough to the parish of Landkey, both in the county of Devon, the Sessions confirmed the order, subject to the opinion of this Court, on the following

CASE.

An order, dated the 16th of November 1844, was made for the removal of Elizabeth Wedlake, widow, and her seven children, from the parish of Roborough to the parish of Landkey, upon certain examinations, which were set out in the case, and which went to shew a birth settlement of the pauper, and also a settlement of the parents by renting a tenement.

Against this order an appeal was entered and respited on the 31st of December 1844; and on the 22nd of March 1845, the parish of Landkey gave notice for trial of the said appeal at the next Sessions, together with the following grounds of appeal:—

First, that the order of removal, the examinations on which the same was made, and the notice of chargeability are respectively bad on the face thereof; second, that the said examinations contain no sufficient legal evidence that the said paupers, or any or either of them, were or was chargeable to the parish of Roborough at the date of the said order or examinations; third, that it does not appear by the said examinations that William Wedlake was examined before

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the removing Justices in any inquiry touching the settlement of the said paupers, or any or either of them; fourth, that it does not appear by the said examinations that any certificate of the chargeability of the said paupers, or any or either of them, to the parish of Roborough, from the guardians of the poor of the Torrington Union, was produced before the removing Justices, or any inquiry touching the settlement of the said paupers, or any or either of them; fifth, that it does not appear by the said examinations, that the paper writing sent therewith to us touching the chargeability of the said paupers was produced before the removing Justices, or is the copy of any certificate produced before the said Justices, on any inquiry touching the settlement of the said paupers, or any or either of them; sixth, that the said examinations contain no legal evidence that the paupers, or any or either of them, are settled in the parish of Landkey; seventh, that the examinations contain no legal evidence that Thomas Wedlake, therein mentioned, was ever settled in Landkey; eighth, that it does not appear, by the examinations, that the Thomas Wedlake mentioned in the examination of William Wedlake, was the same person with the Thomas Wedlake mentioned in the examination of Elizabeth Wedlake; ninth, that the examination contained no sufficient evidence that the Thomas Wedlake mentioned in the examination of William Wedlake was born in the parish of Landkey; tenth, that the examinations contain no sufficient evidence that the father of William Wedlake and of the Thomas Wedlake mentioned in the examination of the said William Wedlake was ever settled in the parish of Landkey, by renting a tenement or otherwise; also, that the examinations do not set forth, with sufficient particularity, the name of the said father of the said William and Thomas Wedlake, nor the time of the alleged renting of the estate, called Dean, therein mentioned, nor the payment of any rent for the said estate, nor the residence of the said father of the said Thomas and William Wedlake for forty days in the said parish of Landkey.

On the 2nd day of April 1845, the appellants were served with a notice to the following effect:—"We, the churchwardens

and overseers of the poor of the said parish of Roborough, do hereby give you, the churchwardens and overseers of the poor of the said parish of Landkey, notice, that we do abandon the said order, (meaning the above recited order,) and that we intend to appear at the next Quarter Sessions of the Peace for the said county of Devon, only for the purpose of quashing the said order, and obtaining a special entry that such order was quashed not upon the merits; and we hereby undertake and offer to pay all the reasonable costs already incurred by you, in regard to the said appeal up to the time of the service of this notice of abandonment." The Sessions were held on the 8th of April 1845, when the counsel for the parish of Roborough moved the Court to quash the order, with an entry, "not on the merits." This was resisted by the counsel for the parish of Landkey. The examinations and grounds of appeal were before the Court, but no inquiry took place as to the question of settlement; the Court refused to make the entry, and the entry made in the Sessions book was as follows:—"Order quashed without any special entry, as the Court has no evidence before them to enable them to make such special entry." A second order, under the hands and seals of two Magistrates of the said county, and bearing date the 6th day of September 1845, was made for the removal of the same paupers, from and out of the said parish of Roborough, to the said parish of Landkey, grounded on examinations setting forth the same facts (and no others) as those which formed the ground of the settlement on which the former order was made. Against this order also the parish of Landkey gave notice of appeal, and the appeal came on for trial at the Michaelmas Sessions, 1845. The ninth ground of appeal was relied on by the appellants, and was to this effect:—"That a former order or pass warrant, bearing date the 16th day of November 1844, made by Peter Glubb, clerk, and William Tardrew, Esqs., two of Her Majesty's Justices of the Peace for the county of Devon, for removing the said pauper, was appealed against and quashed, at the Easter Sessions, 1845, which order so quashed is binding and conclusive, as between the said parish of Landkey and the

said parish of Roborough. The appellants proved the quashing of the former order, and the respondents then offered evidence to explain the grounds of quashing such order, and to shew that it had not, in fact, been quashed on the merits; and the Court, after hearing such evidence, held that the former order was not in their judgment quashed on the merits, and confirmed the order of the 6th day of September 1845, subject to a case on the following points:—Whether, under the circumstances above set out, the quashing of the former order was conclusive between the parties. If this Court should be of opinion that the quashing was conclusive, then the order of Sessions of the 14th day of October 1845, and the order of removal of the 6th day of September 1845, were to be quashed; if otherwise, to be confirmed.

W. C. Rowe and Cornish, in support of the order of Sessions.—The Sessions have acted in conformity with all the late decisions, and the respondents adopted the practice recommended by the Court—*The King v. the Inhabitants of Wick St. Lawrence* (1), *The King v. the Inhabitants of Wheelock* (2), and *The Queen the Inhabitants of Widdcombe in the Moor* (3).

[LORD DENMAN, C.J.—You say, the Sessions, on evidence which they rightly admitted, came to a right conclusion.]

We are satisfied with what the Sessions have done—*The Queen v. the Inhabitants of Peranzabuloe* (4), and *The Queen v. the Inhabitants of Charlbury and Walcott* (5).

Merivale and Karlake, contra.—The only question is, whether one Court of Quarter Sessions can review the proceedings of another. The Sessions held in April 1845 might have made a special entry, and they were asked to do so, but they refused, and that for a good reason, as the grounds or appeal shewed objections going to the merits. At all events, they refused, rightly or wrongly. The order, therefore, was quashed generally.

(1) 5 B. & Ad. 526; s. c. 3 Law J. Rep. (N.S.) M.C. 12.

(2) 5 B. & C. 511.

(3) *Ante*, p. 44.

(4) 3 Q.B. Rep. 400; s. c. 13 Law J. Rep. (N.S.) M.C. 47.

(5) *Ibid.* 378; s. c. 13 Law J. Rep. (N.S.) M.C. 19.

[WIGHTMAN, J.—The entry made by the Sessions is in one sense a special entry.]

It is an entry which shews they meant to quash generally. When the parties came before the second Sessions no new evidence was offered, and they have nothing before them but the former entry. It might be that the respondents had discovered a fatal objection—*Ex parte the Inhabitants of Wellingborough* (6). The respondents should have given some reason for abandoning the order—*The Queen v. the Inhabitants of Church Knowle* (7). The entry is, therefore, an estoppel—*The Queen v. the Inhabitants of St. Anne's, Westminster* (8).

[LORD DENMAN, C.J.—It is not stated that at the second Sessions no further evidence was produced.]

LORD DENMAN, C.J.—I think the Sessions were perfectly right in holding that the former order was not quashed on the merits. It appears that the respondents, finding that there was something wrong in their case, gave the appellants notice that they could not sustain their order, and offered to pay the costs. No doubt there is a refusal at the Sessions to make the entry, because the facts are not before them; but on the statement of all the facts, I think we should put an end to a most beneficial practice if we were to hold that the course pursued by the respondents did not leave it open to them to go into the merits on a future occasion. Nothing can be more beneficial than the practice of abandonment, with tender of costs, when the respondents find that they cannot sustain their order: and, here, they apprise the respondents that they abandon on a technical ground.

PATTESON, J.—I am of the same opinion. Whenever an order is quashed generally, the Sessions may inquire into the reason of its being quashed; and the notice of abandonment in this case not only says that the respondents abandon their order, but that it is on a technical ground, and offer to pay the costs.

(6) 15 Law J. Rep. (N.S.) M.C. 20.

(7) 7 Ad. & El. 471; s. c. 7 Law J. Rep. (N.S.) M.C. 4.

(8) *Ante*, p. 41.

WIGHTMAN, J.—I think the circumstances mentioned by my Lord, and my Brother Patteson, distinguish this case from that of *The Queen v. the Inhabitants of Church Knowle*. Here, all that the Sessions say on the first occasion is, that they have no evidence before them to enable them to make an entry. They make a special entry of this; and there is great convenience in allowing parties to abandon on payment of costs.

ERLE, J.—I also think the Sessions were quite right; and that it is very important that a removing parish should have the opportunity of saying that they will not go to trial on a technical question, but on the fact of settlement.

Order of Sessions confirmed.

1847. { THE QUEEN v. THE INHABITANTS
Jan. 28; OF UPTON ST. LEONARDS.
Feb. 8. { THE QUEEN v. THE INHABITANTS
OF BARNWOOD.

Juror—Criminal Information—Interested Grand Juryman—Indictment for Non-Repair of a Road.

Where a bill was preferred before the grand jury at an assizes against a parish for non-repair of a road, the liability to repair which was denied by the parish, in which two of the members of the grand jury were large landed proprietors, and took part in the proceedings on the bill, and put questions to the witnesses examined before the grand jury, and one of whom stated to the foreman that the road in question was useless, and the bill was thrown out,—the Court granted a criminal information against the parish.

In Michaelmas term last, rules were obtained to shew cause why criminal informations should not be filed against the inhabitants of the parishes of Upton St. Leonards and Barnwood, in the county of Gloucester, for non-repair of a certain road within those parishes, under the following circumstances:—In June 1846, summonses were taken out, under 5 & 6 Will. 4. c. 50, against the parishes of Upton St. Leonards and Barnwood to repair a certain road. On

the hearing, the surveyors of each of the above parishes denied the liability to repair; and in consequence of the absence of a Mr. Walters, who is a magistrate and large landed proprietor in Barnwood, the further hearing was postponed, in order that parish meetings might be held. A proposal was subsequently made to the surveyor of Upton St. Leonards that a case should be stated for the opinion of counsel which should decide the point, or that the question should be referred to two competent persons; the former of which proposals was agreed to by the parish. The case was, accordingly, prepared, but no opinion taken upon it. A second application was then made for an order under 5 & 6 Will. 4. c. 50, when Mr. Walters was present, and opposed the repairing of the road, and contended that it was not a carriage-road, and disputed the liability of the parish of Barnwood to repair. An order was made and signed by Mr. Walters and C. B. Hunt, Esq., that bills should be preferred against both parishes at the following Gloucester Assizes, which was accordingly done; but the bills were thrown out by the grand jury. It was stated on the affidavits that Mr. Walters and Mr. Hunt, both of whom were large landed proprietors in the parishes of Upton St. Leonards and Barnwood, were sitting on the grand jury at those assizes, and took an active part in opposing the finding of the bills, and that Mr. Walters also said to the foreman of the grand jury that the road in question was perfectly useless: that out of seven witnesses who were sworn to give evidence as to the user and repair of the road before the grand jury, only five were examined. The affidavits also stated the liability of the parishes to repair the road.

In answer to this application, affidavits were made by Mr. Walters and Mr. Hunt, which stated that all the witnesses, whose names were indorsed on the bills, were called, and such as appeared were examined before the grand jury; that neither of them took any undue part in relation to the said bills, which were ignored in consequence solely of the insufficiency of the evidence given in support of them; and that neither of them took any active part in opposing the finding of the

bills, nor did they in any way oppose the finding thereof, and that the only part they took was, that in their capacity of grand jurymen they put such questions to the witnesses as they thought would best elicit the facts of the case. The affidavit of the foreman and another member of the grand jury also stated that Mr. Walters and Mr. Hunt did not take any further or other part in the proceedings on the bills than was usually taken by grand jurymen in examining the witnesses produced before them, and did not attempt in any way to bias or influence the others of the grand jury. Other affidavits denied that the road in question was a public carriage-way. It further appeared that a Quarter Sessions for the county of Gloucester was holden on the 20th of October 1846, being the Quarter Sessions immediately following the assizes at which the two bills of the indictment were ignored, and that no persons were summoned to serve on the grand jury at the said Quarter Sessions from either of the parishes of Barnwood or Upton St. Leonards.

Whateley and *Rickards* shewed cause.—This application is quite of a novel kind, and does not disclose a case for the extraordinary interference of this Court—*Bac. Abr.* 'Highway,' G, referring to *The King v. Steyning* (1), *The King v. Green* (2). The only case where this power has been exercised in any similar case, is in the instance of a criminal information filed against the inhabitants of Buckinghamshire, in 1827, for non-repair of a county bridge (not reported); but that is clearly distinguishable, as every one of the grand jury must have been interested, besides the great probability that an impartial trial could not be had in the county. The 4 & 5 Will. & M. c. 18, by which a restriction is put upon the power to file criminal informations by private parties, does not affect this question at all. In none of the cases decided since the statute is there any statement of circumstances—*The King v. Welsborn and Walton* (3), *The King v. Cheddingfold* (4). The reason

given in *The King v. Steyning*, that the fine set on conviction under an information would not be expended on the highway, as a fine imposed on conviction under an indictment would, still applies under section 96. of the Highway Act. A fresh bill might have been preferred at the sessions before a grand jury who were perfectly disinterested in the question. The dispute is as to the liability of the parishes to repair, which this Court will not try on affidavit.

Pashley, in support of the rule.—No doubt, the question of liability will not be decided by the Court: that will be for the jury on the trial of the information. As to the objection that fresh bills might have been preferred at the sessions, that would have rendered it necessary for the parties to incur the expense of removing the indictments by *certiorari*, in order that they might be tried before a Judge.

[*COLBRIDGE, J.*—Suppose these interested grand jurymen to have taken a part, as suggested by your affidavits, you must infer that all the rest of the jury yielded to them.]

The amount of influence exercised by an interested party acting judicially is immaterial—*The Queen v. the Cheltenham Paving Commissioners* (5), *The Queen v. the Justices of Hertfordshire* (6). In *The King v. Steyning* the Court differed in opinion. They also cited *The King v. Wyvil* (7) and *Jolliffe's case* (8).

Cur. adv. vult.

LORD DENMAN, C.J.—This was an application of a peculiar kind. A road indictment having been ignored by the grand jury, the prosecutor asked leave of this Court to file a criminal information against the inhabitants of the two parishes in which the road lies. The affidavit produced by him stated that two gentlemen, possessing landed property in those parishes, attended on the grand jury, and took an active part

(5) 1 Q.B. Rep. 467; s. c. 10 Law J. Rep. (n.s.) M.C. 99.

(6) 6 Ibid. 753; s. c. 14 Law J. Rep. (n.s.) M.C. 73.

(7) 2 Mod. 66, n.

(8) Referred to, 1 East, 154.

(1) *Sayer*, 92.

(2) 1 Ken. 379.

(3) 1 Sess. Ca. 152.

(4) Ca. Temp. Hardw. 149.

towards throwing out the bills. A witness who came before them says, that he heard one of these gentlemen inform his brother jurymen that the road was useless. Before the assizes the same gentleman had been applied to, as a magistrate, on the propriety of presenting the road, and had discountenanced a proposal to refer the question of liability to a barrister, saying that it was much fitter for the decision of a Judge. None of these facts are denied; but these two gentlemen swear in the same very general terms, that they took no undue part in the proceedings, and the foreman and two other members of the grand jury state in their affidavits that the two gentlemen did nothing unusual on that occasion.

Now the *bona fides* of the proceeding against the parishes is undoubted, and there is a strong case as to the road being a highway, and the parishes liable. This case any one of the public has a right to bring before a jury for decision; but we are of opinion that the prosecutor has been improperly obstructed in the exercise of that right. We do not impute any improper motives to those who interfered in the manner described, nor express any opinion on the merits of the case; but we think that their connexion with the parishes indicted ought to have prevented them from taking any part in the discussion whether the bills should be found by the grand jury. The statement of the inutility of the road, though it might be irrelevant, was not unlikely to influence the grand jury in their decision. No imputation is cast upon that body at large, but the two or three members, whose affidavits were produced, prove no more than that they individually were not aware of any peculiar activity in the parties whose conduct is called in question. The circumstances appear to us to be so irregular and so inconsistent with the due administration of justice, that this Court is bound in the exercise of its controuling power to place the matter in a proper train for impartial investigation. The rule, accordingly, must be made absolute.

Rule absolute.

BAIL COURT.

1847.

April 29;

May 4.

THE QUEEN v. THE JUSTICES
OF SOMERSETSHIRE.

*Order of Removal—Notice of Appeal,
Abandonment of—Alteration.*

An appeal against an order of removal was entered at the Midsummer Sessions. The attorney for the appellants served a notice on the respondents, in due time, "to enter" and try at the Michaelmas Sessions; but fearing that the insertion of the words "to enter" might invalidate the notice, he took it back and erased those words, and at the same time inserted a sentence withdrawing the former notice, and then caused the notice, so altered, to be served on the respondents, without having it signed afresh by the parish officers of the appellant parish. At the trial these facts appeared, but the person who served the second notice not being present to prove that it was served in time, the Sessions dismissed the appeal, on the ground that "the notice was not sufficiently proved":—Held, that the insertion of the words "to enter" did not vitiate the first notice; that the alterations made by the attorney after the notice was signed were such as he was justified in making; that the second notice was a sufficient abandonment of the first, but that as the time of service was not proved, the Sessions decided rightly on a preliminary question of fact, with which this Court could not interfere.

An order having been made by two Justices of the county of Somerset for the removal of Sarah Coles, single woman, from the parish of Wedmore to the parish of West Pennard, both in the said county, an appeal against the order was entered by the officers of the latter parish at the Midsummer Quarter Sessions, 1846. On the 28th of September notices "to enter" and try the appeal at the next Michaelmas Sessions were duly served upon the respondents, and on the same day one of the notices was taken back from the parish officer on whom it had been served, the attorney for the appellants apprehending that the notice would be invalid because it contained the words "to enter" (the entry having taken place at the previous sessions). He, therefore, erased those words, and in-

serted a sentence withdrawing the former notice, and caused the notice so altered, but without being signed afresh by the parish officers, to be served upon the respondents. When the appeal came on to be heard, the respondents called on the appellants to prove their notice, whereupon the appellants put in and proved the original notice. The respondents objected that that notice had been withdrawn, and therefore could not be relied upon by the appellants. They got evidence from the appellants' attorney of the fact of withdrawal, and that another paper, which had been served, and which was intended to operate as a notice of trial and a withdrawal of the former notice, had been altered in the manner above stated after it had been signed by the parish officers. The person who served the second paper was not present, so that there was no proof that it had been served in due time; and the respondents contended that the appellants had shewn that the first notice was withdrawn, and that the second was inoperative as a notice, on account of the alterations made after it had been signed, and of the absence of proof that it had been served the requisite number of days before the sessions. The Court of Quarter Sessions dismissed the appeal on the ground that the notice was not sufficiently proved.

A rule *nisi* was obtained in last Michaelmas term for a mandamus, calling on the Justices to enter continuances and hear the appeal.

Barstow and Fitzherbert (April 29) shewed cause, and

Prideaux, Pashley, and Phinn appeared in support of the rule.

In the course of the argument, which it is unnecessary to detail, the following cases were cited—*The Queen v. the Justices of Kesteven* (1), *The Queen v. the Justices of Flintshire* (2), *The Queen v. the Justices of the West Riding* (3), *The King v. the Justices of Gloucestershire* (4), and *The Queen v. the Justices of Surrey* (5).

(1) 3 Q.B. Rep. 810; s. c. 18 Law J. Rep. (N.S.) M.C. 78.

(2) 2 Dowl. & L. 146; s. c. 13 Law J. Rep. (N.S.) M.C. 163.

(3) 1 New Sess. Cas. 247.

(4) 1 B. & Ad. 1; s. c. 8 Law J. Rep. M.C. 108.

(5) 2 New Sess. Cas. 245; s. c. 15 Law J. Rep. (N.S.) M.C. 46.

COLERIDGE, J. (May 4) gave judgment. —After recapitulating the facts of the case, he proceeded:—The appeal has not been heard upon the merits; the Sessions have dismissed it upon a preliminary point: and if they had been wrong, and had dismissed the appeal upon a point of law, this Court would have set them right. But I think that the Sessions have decided on a question of fact. The first notice proved was quite good, and might have been relied upon. The words "to enter" were merely redundant, and could not have misled the respondents, and therefore if the appellants had relied upon that notice it would have been quite sufficient. But if the appellants withdrew it, the Sessions then could not sustain it, although good on the face, and it appeared that it had been withdrawn, unless the alterations invalidated the instrument by which it was intended to be withdrawn. I am of opinion that they did not. The alterations which were made were such as the attorney was authorized to make without any express warrant or fresh signature by the parish officers; they were mere corrections made for the purpose of carrying out the original intention of the parties who affixed their signatures. There was, therefore, an effectual withdrawal of the first notice, and there was no proof of the time of the service of the second. The Sessions, therefore, were justified in holding that the notice of appeal was not sufficiently proved, and in dismissing the appeal on that ground.

Rule discharged.

1847.
Jan. 16, 20, 27; } THE QUEEN v. WESTBROOK
Feb. 25. } AND OTHERS.

*Rate—Brick-field, Rateable Value of—
Rent—Royalty.*

In calculating the rateable value of a brick-field, in any particular year, with reference to the statute 6 & 7 Will. 4. c. 96, the royalty payable in respect of the number of bricks made, as well as the rent, may be taken into account, and neither the circumstance of the rapid exhaustion of the material,

nor the casualties to which the article is subject in the process of manufacture, can affect the principle of the calculation. But if the sum for which it might be expected to let from year to year as a brick-field can be ascertained, such sum will be the true estimate of its annual value.

E. W. rented a brick-field of ten acres at 2l. per acre (without reference to the use made of the land), and was also liable to pay to his landlord a royalty or reality of 1s. 6d. per thousand bricks moulded on such land. The Sessions confirmed a rate at a rateable value of 159l., which they calculated on the amount of rent and royalty, making all proper deductions, and they also found that the rent per acre, which a tenant might be expected to give for the same field, with the liberty of taking the brick earth, and without any liability to pay any royalty in respect of the number of bricks made, would be 10l. per acre, or 100l.

Held, that the latter sum, and not the former amount of 159l., was the true criterion of the rate.

H. E. rented a brick-field of twenty-six acres, under an agreement to pay 2s. 3d. per thousand bricks made. The Sessions confirmed a rate, at a rateable value of 550l., calculated at 1s. per thousand bricks made. It was admitted, that if the sum paid under the agreement was to be considered as a rent, 550l. did not exceed the rateable value. No statement was made as to the sum which a tenant might be expected to give. The rateable value of ordinary agri-

cultural land in the parish was 1l. 10s., and of garden ground 3l. 10s.

Held, that none of these amounts gave the true rateable value; but that the case must go back to the Sessions to ascertain what a tenant would give within the meaning of the statute 6 & 7 Will. 4. c. 96.

On an appeal by E. Westbrook and others against a rate for the relief of the poor of the parish of Heston, in the county of Middlesex, the Quarter Sessions for the said county of Middlesex confirmed the rate, subject to the opinion of the Court of Queen's Bench on the following

CASE.

The appellants are brick-makers by trade, and for the purpose of carrying on that trade they occupy various plots of land in the parish of Heston, in the county of Middlesex, amounting altogether to 123 acres 2 roods 36 perches, or thereabouts. They were rated by the rate or assessment appealed against in respect of their occupation of such land, in several sums, amounting in the whole to 117l. 7s. 7d., that rate being laid at the sum of 1s. 6d. in the pound on the amount of what the respondents contended was the right estimate of the annual value to let of the land in question. The only dispute between the parties at Quarter Sessions was as to the amount of the annual value, in respect of which the rate ought to be laid on each of the appellants. The actual ratings were as follows:

| No. | Name of Occupier. | Name of Owner. | Description of Property rated. | Name or Situation of Property rated. | Estimated Extent. | Gross estimated Rental. | Rateable Value. | Rate at 1s. 6d. in the pound. |
|-----|-------------------|---------------------------|--------------------------------|--------------------------------------|-------------------------------|-------------------------|---------------------------------|-------------------------------|
| | Edward Westbrook. | H. Pownall. J. Basire. | Brick-fields and Buildings. | North Hide. | A. R. P. 10 1 32 10 0 0 | | £. s. d. 159 10 0 203 0 0 | £. s. d. 27 3 9 |

[The case set out the ratings of the several other appellants, which were all made on the same principle; but the statement of the case was confined to the rating of E. Westbrook, in respect of his occupation of the 10 acres 1 rood 32 perches of land, on the rateable value of 159l. 10s., at the sum

of 11l. 19s. 3d., as all the other ratings would be right if the one so laid on Westbrook were right, and if that were wrong all the others would be proportionally wrong.]

E. Westbrook's assessment was calculated as follows:—

| | |
|---|---------|
| 10 acres 1 rood 32 perches, at 46s. £. s. £. s. | |
| per acre, is | 23 10 |
| For four stools for making bricks, each stool being capable of pro- ducing, in the year, 750,000 bricks, at 1s. 6d. per 1,000, being the sum payable to the landlord for each 1,000 bricks moulded on the ground, in addition to the above 46s. per acre | 56 5 |
| From which is deducted 10l. per cent., as allowed by the Excise, for waste, spoilage, &c. | 5 12 |
| | 50 13 |
| From this sum a further deduction is made of about 33 per cent. for the breeze, ashes, and other for- eign materials used by the brick- makers with the clay in making bricks, and for that portion of the land which is being dug out | 16 3 |
| Leaving a balance of | 34 0 |
| per stool, which being multi- plied by four, there being four stools at work, amounts to | 136 0 |
| | £159 10 |

The following facts were agreed upon by the parties, and found by the Sessions:— In all previous rates the appellant had been rated on an estimated value of about one-eighth only of the sum which is inserted in the rate appealed against, such former rates having been laid with reference to the value of the land for any purposes of agriculture to which it might be applied; but in laying the rate appealed against, the respondents calculated the number of bricks which, on the land in question, were capable of being made in the manner hereinbefore mentioned, and the result was the large increase above stated in the amount of the rates. In the business of brick-making the following things are necessarily done:—the superficial soil being removed, the clay or brick earth is dug out, various foreign raw materials are purchased, and brought to the brick-field by the brick-maker, for instance, chalk, breeze, sand, ashes, and straw; some of these materials are always added to the clay or brick earth—sand and breeze are always so used, and in the parish of Heston are obtained by water and land carriage, the former from Woolwich, in the county of Kent, a distance of about thirty miles from Heston, and the latter from London, a distance of about fourteen miles. The quantity of chalk, ashes and breeze required

to be used depends on the quality of the clay. Sometimes the clay requires to be washed, and for the purpose of washing it a steam-engine is erected, and used in many cases, but does not happen to be so on the field in question. The clay has also to be ground or mixed in a mill, called a pug-mill; each pug-mill is worked by one horse, and one is necessary for each stool—a stool being a frame or table at which the bricks are moulded, and a gang consisting of a moulder, a temperer, an off-bearer, a walk-flatter, two pug-boys, and a barrow-boy. Each stool is capable of making about 750,000 bricks in a year. The amount of capital required to enable the brick-maker to work each such stool is about 900l.; skill and care are required in mixing and applying the several materials above mentioned, as well as in making and burning the bricks, and ignorance or carelessness on the part of those who mix the materials, make the bricks, or have to attend to the burning of the clay, would destroy the bricks. During the course of the manufacture the bricks are liable to be injured by the weather, and a single storm of heavy rain or hail has been known to cause injury to such bricks, in a single brick-field, to the extent of several hundred pounds. The Excise duty on bricks is also payable on the whole number once moulded, whatever may afterwards become of them, and increases the amount of capital required to carry on the trade, but an allowance of about 10l. per cent. is made by the Excise for waste, spoilage, &c. Bad and short seasons also render the process of manufacture of bricks of a precarious nature, and subjects the brick-makers to considerable losses; the clay or brick earth obtained from the appellant's field has never been sold by the appellant in its unmanufactured state, and the only use to which he applies the field, or such clay or brick earth, has been in making bricks there with the different foreign materials before mentioned and the clay or brick earth obtained from the field. When the clay or brick earth is wholly used up in a field, the surface-soil is replaced, and the field becomes generally available for agricultural purposes, but must generally, though not always, be considered as considerably deteriorated by having been dug out. The above-mentioned field has

been used in the production of bricks, with four stools at work in it, for six years now last past; during the last year about one acre has been used up, and about four acres of remaining surface was applied to no useful purpose, but part of such remaining surface, as well as that part where the clay had been removed, was and is used as a drying ground for the bricks made during the year. The number of bricks actually made on the field in question in the year 1844 was 2,800,000. The whole of the field is calculated to have contained originally clay sufficient to make 31,000,000 bricks; and the part still unworked is calculated to contain clay sufficient to make 12,000,000 bricks. It is not usual for any one to rent a brick-field upwards of ten acres in size in Heston, or any other part of England, for the purpose of there carrying on the business of a brick-maker, and of using the clay found in such field in such business, except on lease for a term of seven years at least, subject to its determination sooner, in the event of such clay being exhausted. The appellants severally hold under such leases, and E. Westbrook holds the field above mentioned for a term of seven or fourteen years, or till the earth is dug out, and is liable to pay to his landlord 20*l.* per annum as rent certain for the same, being a trifle under the sum of 2*l.* per acre, without any reference to the kind of use which he may make of the land; and he is also liable, in addition thereto, to pay his landlord a separate sum, called a royalty or realty of 1*s.* 6*d.* for every 1,000 bricks moulded on such land in any one year. The rent per acre for the above-mentioned field of 10 acres 1 rood 32 perches, which on so taking a lease thereof, with liberty to consume the soil and clay or brick earth (and without any liability to pay any royalty in respect of the number of bricks made), any tenant would have been willing to pay, would have been the sum of 10*l.* per acre only. The usual tenant's rates and taxes payable, in respect of the same land, would amount to 1*l.* 15*s.* per acre. The appellants contended, that the amount of rent per acre, which a lessee would give as above stated, diminished by the above-mentioned sum of 1*l.* 15*s.*, payable for usual tenant's rates and taxes, is the highest sum on which, in respect of yearly value, the rate ought to be laid. The

respondents contended, that the foregoing rate on E. Westbrook was rightly laid, and for the following reasons:—That inasmuch as it is ascertained that a brick-maker pays a rent commensurate with the number of bricks made, such rent must be considered as the criterion of the annual value of the land while being worked out for bricks, and that unless this mode of rating was adopted brick lands could not be fairly rated: that there is a great objection in taking the yearly value at per acre: first, on account of the difficulty of ascertaining the depth and quality of brick earth in each case; secondly, that one brick-maker might employ twenty moulders on a single acre, and so quickly and almost immediately consume the clay, and consequently be assessed to and pay a rate for a short period only, whereas another individual holding the same quantity of land, from want of capital or other causes, might employ but few moulders, and thereby continue to be rated for a greater number of years, and the principle of rating thereby become uncertain; thirdly, that a great difficulty would ensue by such mode of rating, from the necessity of repeated admeasurements to ascertain the quantity of land digging and manufacturing into bricks; and, lastly, the general uncertainty that must necessarily attend the rating of property buried beneath the surface of the soil. The respondents therefore contend, that the only just, fair, and legal mode of rating this property, is to ascertain the number of stools to be worked, and then rating upon the actual rent paid by the lessee, or to the lessor, after all legal and proper deductions and allowances. Supposing this mode of rating to be recognized by the Court as the proper one, the amount of this rate is to stand, unless deductions hereinafter mentioned are allowed.

The appellants contended, that the rate ought to be reduced, and that the land ought to be rated at, and not beyond, such annual value as it would let at for any purposes of agriculture only, to which it might be applied. It is agreed that, as such land, the annual value per acre would be 2*l.* 6*s.* The appellants also contended, that if this, their first proposition, could not be maintained, still the principle on which the respondents had proceeded was clearly wrong, for the following reasons:—That

on the facts before found by the Court of Quarter Sessions, if the value of the privilege conferred on the occupier as derived from the employment of his skill, labour, and capital in manufacturing bricks, be all taken into account, still the rent per acre, at which the said field might reasonably be expected to let from year to year (with the privilege of taking the said brick earth, as incident to the demise of the said field); free of all usual tenant's rates and taxes, is the only lawful criterion by which the amount of rateable value can be ascertained; and that the rate ought therefore, on the facts above stated and found, to be reduced from the sum of 159*l.* 10*s.* to the sum of 85*l.* 10*s.* The appellants also contended, that even if the respondents were right in valuing the said occupation, as they had done, by calculating the capabilities of producing bricks at the several stools likely to be employed on the land, still the land ought not also to be subjected to a charge of 46*s.* per acre, as other lands are rated in the same parish, the said 10 acres 1 rood 32 perches not being employed for agricultural purposes, but being wholly used in the making of bricks, either in obtaining therefrom brick earth, or as a drying-ground or otherwise in the production of the very bricks on which the estimate and rate are made. And the appellants also contended, that even if the respondents had rightly imposed the rate, in respect of the said 46*s.* per acre, and in respect of the gross charge on the calculation of 750,000 bricks as capable of being produced in the year at each stool, still the deductions allowed by the respondents were erroneous and insufficient; and the appellants contended, that deductions ought to be allowed in respect of the amount of tenant's rates and taxes, which is 3*s.* 6*d.* in the pound on the rental or rateable value, and 45*l.* in respect of interest on the capital invested in working each stool.

The Sessions overruled the objections and claims of the appellants, and confirmed the rate.

If the Court of Queen's Bench should be of opinion that the respondents' mode of rating was correct, the order of Sessions was to be affirmed; otherwise that order to be quashed, and the rate to be amended, and any such other order to be made in the

premises as to the Court of Queen's Bench should seem to be just.

The case was argued by—

Martin and Clarkson, in support of, and by *M. D. Hill, Deedes*, and *Pashley* against, the order of Sessions.

The nature of the argument appears so fully from the case and the judgment delivered by this Court, that it is needless to repeat it here. The following cases were referred to:—

The King v. Woodland, 2 East, 164.

The King v. Brown, 8 Ibid. 528.

The King v. Alberbury, 1 Ibid. 534.

The King v. the New River Company, 1 Mau. & Selw. 503.

The King v. Attwood, 6 B. & C. 277; s. c. 5 Law J. Rep. M.C. 47.

The King v. Parrott, 5 Term Rep. 593.

The King v. Bedworth, 8 East, 387.

The King v. the Hull Dock Company, 3 B. & C. 516.

The King v. Lord Granville, 9 Ibid. 188; s. c. 7 Law J. Rep. M.C. 89.

The King v. Mirfield, 10 East, 219.

The Queen v. Capel, 12 Ad. & El. 382.

s. c. 9 Law J. Rep. (N.S.) M.C. 65.

Daniel v. Gracie, 6 Q.B. Rep. 145; s. c. 13 Law J. Rep. (N.S.) Q.B. 309.

The King v. Brograve, 4 Burr. 2491.

The King v. Tomlinson, 9 B. & C. 162; s. c. 7 Law J. Rep. M.C. 64.

The King v. the Hull Dock Company, 5 Mau. & Selw. 394.

The King v. Ferry Bridge, 1 B. & C. 375.

The King v. Brettell, 3 B. & Ad. 424; s. c. 1 Law J. Rep. (N.S.) M.C. 46.

Cur. adv. vult.

THE QUEEN v. HENRY EVEREST.

Upon an appeal by Henry Everest against a rate for the relief of the poor of the parish of Frindsbury, in the county of Kent, the Sessions confirmed the rate, subject to the opinion of the Court on the following

CASE.

The appellant is the occupier of a piece of land in the parish of Frindsbury, containing brick earth, on which he makes and burns bricks. He entered on the occupation by virtue of the following agreement,

and has since continued to occupy upon the same terms, without any formal renewal of the contract:—"Memorandum of an agreement, entered into the 3rd of July 1835, between John Batten, of, &c., of the one part, and Henry Everest, of, &c., of the other part. First, that the said John Batten agrees to let to the said H. E. a certain piece of land as a brick field (which is now and has been for the last years in the occupation of the said H. E.) as marked out, &c., containing, &c., together with the cottages thereon, to make and burn bricks for three years certain, from Christmas 1834, to Christmas 1837, on the following terms:—"To make or pay for one million of bricks at least for each year of the above period, at the rate of 2s. 3d. per thousand, and so on for every thousand beyond the

said million, to be considered and estimated by and between the parties hereto, to be the same number as the duty to the King is actually paid for. Such payment to be considered due and payable as a rent, and to be made on the 25th of March and the 29th of September in each year, during the said term hereby granted, and in each year of the said H. E.'s occupation," &c. (with power of distress); and then followed an agreement to pay at the rate of 3l. per acre for land not occupied for brick-making, and for levelling the land broken up, &c.

The appellant has occupied the land above mentioned for the purpose of brick-making for the last fifteen years, and in the poor-rates prior to October 1844, he has always been assessed in the following manner:—

| Name of Occupier. | Name of Owner. | Description of Property. | Name and Situation of Property. | Estimated Extent. | Gross estimated Rental. | Rateable Value. | Rate at 6d. in the pound. |
|-------------------|------------------|--------------------------|---------------------------------|---------------------|-------------------------|---------------------|---------------------------|
| Everest Henry. | Hankey Thompson. | Brick-fields and Houses. | White Wall. | A. R. P. 26 9 36 | £. s. d. 111 10 10 | £. s. d. 98 15 0 | £. s. d. 2 9 0 |

The making of bricks having greatly increased during the last ten years, the attention of the parish officers was called to the subject, and the following resolution was passed at a vestry, holden on the 10th of October 1844,—Resolved, "that the several brick-yards in the parish be rated at 1s. per thousand upon the supposed number manufactured at each stool, considering it a rental upon each stool, 500,000 bricks are

made at each stool." In pursuance of this resolution, the actual rateable value of the appellant's brick-field was endeavoured to be ascertained by a calculation of the number of bricks made. The nett rateable value was raised from 95l. 15s. to 550l., by a rate made on the 10th of October, which the appellant paid under protest. In January 1845 another rate was made, in which the appellant was rated as follows:—

| Name of Occupier. | Name of Owner. | Description of Property. | Name or Situation of Property. | Estimated Extent. | Gross estimated Rental. | Rateable Value. | Rate at 6d. in the pound. |
|-------------------|------------------|--------------------------|--------------------------------|---------------------|-------------------------|---------------------|---------------------------|
| Everest Henry. | Hankey Thompson. | Brick-fields. | White Wall. | A. R. P. 26 9 36 | £. s. d. 665 10 0 | £. s. d. 550 0 0 | £. s. d. 13 15 0 |

The appellant duly appealed against this rate, on the ground that he was overrated in respect of the yearly value of the land in his occupation. The clay or brick earth dug in

the land in question is never sold as such by the appellant, and is only one of the materials used in the manufacture of bricks. The other materials used in the manufac-

ture of bricks are chalk, sand, ashes, and breeze—all of which have to be brought to the brick-field from other places. The manufacture is attended with great risk and uncertainty, and in the process of making, the bricks are exposed to considerable damage from rain and other accidental causes, for which, however, an allowance of one-tenth from the gross number is made by the Excise in charging the duty. When the rate appealed against was made, the appellant had twenty-two stools for the purpose of brick-making upon his brick-field. The sum of 800*l.* per annum is necessary for the proper working of each stool. The sum paid by the appellant to Mr. Hankey, under the memorandum of agreement, at 2*s.* 3*d.* per 1,000 of the bricks made, amounted in the year 1840 to 1,010*l.* 9*s.* 6*d.*, in the year 1841 to 928*l.* 1*s.* 4*d.*, in 1842 to 960*l.* 7*s.* 2*d.*, in 1843 to 953*l.* 13*s.* 3*d.*, and in 1844 to 1,324*l.* 4*s.* 9*d.*

It was contended for the appellant, first, that the land in question ought not to be rated higher than 1*l.* 10*s.* per acre, which is the average value to let and of rating ordinary agricultural lands in the parish; secondly, that if any deduction is to be made in respect of land containing brick earth, the sum per acre ought not to exceed 3*l.* 10*s.*, which is the average value of the best garden ground in the parish, to let by the acre. The respondents contended that the sum actually paid to Mr. Hankey, for bricks made upon the land rated, under the memorandum of agreement, was to be considered as the rent which the appellant bound himself to pay, taking all the chances of making the trade of brick-making profitable, and that the mode by which the parish arrived at the amount of bricks made was immaterial. It is admitted, that if this view be correct, the amount of the rate does not exceed the rateable value of the land, after making all lawful deductions. The other rateable property in the parish is rated upon an estimate of the net annual value thereof, within the meaning of the Parochial Assessment Act, 6 & 7 Will. 4. c. 96.

The question for the opinion of the Court was, what was the net annual rateable value of the land in question?

If the sums paid by the appellant, under his agreement, were to be considered in the nature of rent, and as such ought to form

the basis of the rating, the order of Sessions was to be confirmed. If either of the modes contended for by the appellant should be considered correct, the case was to be sent back to the Sessions, that the rate might be adjusted accordingly.

Sir F. Thesiger and Bodkin, in support of the order of Sessions.—If the annual sum paid by the appellant, under the agreement, was a rent, the rate is correct in principle, and the amount at which the parish officers have assessed the rateable value will not affect the question. It is immaterial whether rent is paid in money, or in a certain quantity of the produce, as in the case of a corn rent. It will not be contended that the land is rateable either as garden land or agricultural land; and *The King v. Bradford* (1) shews that the increased rent payable in respect of any particular source of profit connected with the land is the proper measure of its rateable value. Clay pits, like coal mines, are rateable as long as they are capable of being worked—*The King v. the Inhabitants of Bedworth*, *The King v. Brown*; and the principle of rating is laid down in *The Queen v. the South-Western Railway Company* (2), *The Queen v. the Grand Junction Railway Company* (3).

[WIGHTMAN, J.—This case does not find what rent a tenant would be willing to give for the land.]

The appellant has agreed to pay a certain rent, taking his chance as to profit.

M. D. Hill, Deedes, and Pashley, contra.—The objection to this rate is, that the Sessions have treated that as a rent which in fact was not a rent: since the statute 6 & 7 Will. 4. c. 96. the rate is to be made on the estimate of the rent at which the land might reasonably be expected to let, from year to year, free from all usual deductions. How is that to be got at here? There is only a particular bargain in respect of brick-making set out. The case is, therefore, distinguishable from *The King v. Tomlinson*, *The Queen v. the Cambridge Gas Light*

(1) 4 *Mau. & Selw.* 317.

(2) 1 Q.B. Rep. 558, 584; s. c. 11 *Law J. Rep.* (N.S.) M.C. 93.

(3) 4 *Ibid.* 44; s. c. 13 *Law J. Rep.* (N.S.) M.C. 94.

Company (4), and *The King v. the Birmingham Gas Light and Coke Company* (5).

Cur. adv. vult.

The judgment of the Court was now (Feb. 25) delivered by

LORD DENMAN, C.J.—These were cases sent from the sessions respectively of Middlesex and Kent, which may properly be considered together, being intended to procure a decision on the same question, the proper mode of rating the occupiers of brick-fields to the relief of the poor. The material facts found in both cases are nearly the same. In both it is stated that much expense and the introduction of foreign matters are necessary in order to make the occupation productive and profitable, and the result is liable to much risk. It is understood, therefore, if not made legally certain, that the tenancy shall be of some years' duration, and the rent is in part only fixed, in part made to depend, in the nature of a royalty, on the number of bricks made. The material, the brick earth, is not in its nature renewable, and in both cases will be consumed according to reasonable calculation within no great number of years. In both cases the basis of the rate has been the supposed total amount paid to the landlord, considering as well the royalty as the fixed sum to be rent, and to be the proper criterion, within the Parochial Assessment Act, of the rent at which the land may reasonably be expected to let, from year to year, free of such charges and making such deductions as the statute specifies. In the case of Westbrook, however, the Sessions have found that "the rent per annum which, on taking a lease, with liberty to consume the soil and clay or brick earth, and without any liability to pay any royalty in respect of the number of bricks made, any tenant would have been willing to pay, would have been the sum of 10*l.* per annum only." No finding correspondent to this appears in the case of Everest.

The question which we have to determine is, whether the principle on which the parish officers have proceeded is correct with reference to the statute before alluded

to. We must assume the amounts to be correct, both as to the royalty and the deductions made; and no question involving any difficulty in principle was raised as to the nature or number of these last. It will be convenient, in the first place, to consider the question without reference to the special finding in Westbrook's case, and then to see whether that finding makes any difference in the decision of that case.

It is objected by the appellants, in the first place, that it is a fallacy to infer from the fact that there are so many stools on the ground, from which so many thousand bricks may be made in each year, that so many will in fact be made and paid for; or, secondly, from the fact that so many have been made and paid for in one year, that the same or an equal number will be made and paid for in the following year and years: and without doubt the conclusions do not follow with certainty from the premises. But the answer to the first of these remarks is that it is rather a question of amount than of principle; it does not touch the question of whether the royalty is in substance a rent. Considered as a question of amount only, the parish officers having to make a prospective rate may well look to see what it is probable the land will be made to produce in the current year; they may well proceed with a brick-field as they would with land used for agriculture. They cannot, in that case, tell for certainty how much will be tilled, nor with what grain, still less how much will be produced, or at what price sold; yet supposing the tenant to occupy at a rent to be ascertained in each year by the actual produce and price, as it well might be, they may reasonably beforehand from such premises as the nature of the land, its usual mode of cultivation, the preparations actually made, if any, and other such circumstances, infer what will be the rateable value in the given year. In the present case we cannot say that the nature of the occupation does not afford rather safer premises for drawing the conclusion as to amount. The preparations are somewhat of a more permanent nature; it is not unreasonable to infer that the stools would not be erected but with the intention of making bricks, and that more would not be erected than the quantity of bricks to be made

(4) 8 Ad. & El. 73; *n. o.* 7 Law J. Rep. (N.S.) M.C. 50.

(5) 1 B. & C. 506.

would require, and that more bricks would not be made than were expected to be sold, especially as the duty to government and the royalty to the landlord are to be paid not on the sale, but the making. These premises raised at least a *prima facie* case, and if they led to an exaggerated conclusion, it was in the power of the appellants to have shewn the error by actual proof. As to the second objection, the answer is, that the rate is made but for the year, and any falling off in succeeding years would, of course, operate in reduction of the rate for those years.

But the next objection is a more important one: that it is altogether wrong in principle to consider the royalty as rent; and this appears to be founded mainly on this, that it is a sum paid not in respect of the renewing produce of the land, but of a portion of the land itself, and that not consumed by slow degrees, and to be exhausted at the end of a long period, as is the case with a coal mine,—under which circumstances it was admitted that it might be treated as produce,—but in such large proportions that the whole would in a few years be exhausted. It does not appear to us that the circumstance of a more or less rapid consumption can make any difference in the principle. The rate is always imposed with reference to the existing value, whether temporary or enduring is immaterial. A case was supposed of a brick-field worked out in less than a year, to meet the demand of some enormous contract for a public work: the consequence would be, that the land would have a very much increased value for the year, and it would be only reasonable that it should bear an increased rate for that year; in the following year its value might sink almost to nothing, and the rate ought to fall proportionately, even to nothing, if, the brick earth being exhausted, the land, like an exhausted coal mine, should become entirely unproductive. If this were not so, an obvious injustice would be done to the rate-payers. Suppose two brick-fields of the same size, which if worked so as to be consumed in ten years, and by equal working in each year, would produce 1,000*l.* each, on which the rate should be 10*l.*; in ten years each will contribute 100*l.* to the parochial au-

thorities: let one be exhausted in the first year, the produce will have been 10,000*l.*, but the rate only 10*l.* for that year, according to the appellants' argument, and it may be nothing afterwards; but, whatever it be afterwards, it is clear that there will have been a valuable occupation in one year escaping as to nine-tenths the rate entirely. But no injustice would be done if in every year the occupier could be assessed according to the actual value in that year, and it is the duty of the overseers to arrive as nearly at this as they can. The case of *The King v. Mirfield* was mentioned in the course of the argument; the facts of that case are wholly unlike those of the present: the saleable underwoods there produced no profit, except in the twenty-first year: here there is nothing to shew that equal profits may not arise in every year of the tenancy; long or short, the term of tenancy is fixed on that assumption: the principle, however, of that decision is in accordance with what will be our conclusion.

We come, then, to the bare objection that the royalty is paid, not for the renewing produce of the land, but for severed portions of the land itself, mixed up with foreign matter. The expense, however, must of course, have been cast off before the royalty itself was fixed; that was a sum which, after all such expenses paid, the occupier could afford to render to the landlord. When the case is thus laid bare, there is no distinction between it and that of the lessee of coal mines, of clay pits, of slate quarries: in all these the occupation is only valuable by removal of portions of the soil; and whether the occupation is paid for in money or in kind—is fixed beforehand by contract, or measured afterwards by the actual produce—it is equally in substance a rent; it is the compensation which the occupier pays the landlord for that species of occupation which the contract between them allows. This would not admit of an argument in an agricultural lease, where the tenant was to pay a certain portion of the produce: that would be admitted to be in all respects a rent-service with every incident to such a rent; and in *Daniel v. Gracie* we held the same with regard to a marl pit and brick mine as the parties termed it, where the render was of so much

per cubic yard of the marl dug, and so much per thousand of the bricks made.

We are brought then to the conclusion, that the parish officers have done right in considering the royalty as a portion of the rent; and we see no objection to the mode by which they arrive *prima facie* at the conclusion, that the amount of royalty reckoned in the rate will be paid in the year for which the rate is made. Still, it must always be remembered, that the ultimate question is that propounded by the statute, and therefore the amount which has been paid or what it is reasonable to infer will be paid, is only evidence, not the fact itself to be ascertained. When, therefore, the case came to the Sessions it was open to the appellants to prove such uncertainty in the market, or such circumstances affecting the process of making, as shewed that the parish officers had done wrong in concluding from such a quantity made, or expected to be made, that the land might be reasonably expected to let, from year to year, at a rent measured by that quantity: such evidence would have raised a question of fact for the Sessions, and they would have had upon the whole to sustain or reduce the amount of the assessment. It may well be, that although at the end of the year the lessee has made so many bricks that he can afford to pay 150*l.* in royalty to his landlord, he could not prudently at the beginning of the year contract, at all events, to pay more than 100*l.*; and if so, the latter, rather than the former, will be the sum at which the land may reasonably be expected to let from year to year. And this is what we understand the Sessions to mean in Westbrook's case, by their special finding. The parish officers estimate the rent at a supposed amount of bricks actually made, and the royalty then payable on such amount; from this they make such deductions as reduce the rateable value to 159*l.* 10*s.*; but the Sessions say, that placing the tenant exactly on the same footing as to the incidents of his occupation, but calling on him to say beforehand what rent he would pay per acre for it, he could not be expected to give more than 10*l.* per acre, which, on the whole, would amount to a little more than 100*l.* This latter appears to us to be the

true criterion, rather than the former, and the rate must be amended accordingly.

It is not so easy to deal with Everest's case. The Sessions ask us, what is the nett annual rateable value of the land?—and add, if the sums paid are to be considered in the nature of rent, and as such ought to form the basis of the rating, their order is to be confirmed: if either of the modes contended for by the appellant be correct, the case is to be sent back, that the rate may be adjusted accordingly. Now, neither of the appellant's modes are correct, nor were contended so to be: they were in effect to rate land occupied in one mode, as if it were occupied in another; the modes producing different rates of profit, and commanding different amounts of rent,—than which nothing can be more unreasonable. But on the other hand, although the sums paid are in the nature of rent, it does not follow that they ~~must~~ form the basis of the rate, in the sense of fixing its amount. The true question is that which the Sessions ask, but which they must answer for themselves, by finding upon evidence according to the principles laid down, what, in the words of the statute, is "the rent at which the land may reasonably be expected to let from year to year," remembering the purposes to which it is to be applied, and the privileges which the tenant will enjoy under his contract and by reason of his occupation, and after making all the deductions specified in the statute. It by no means follows that this mode of examining will produce so great a change in Everest's case, as it has in Westbrook's. The circumstances may be such as to risk, or market, or competition, as to make the difference little more than nominal. The market may be so sure, the competition so great, as to make the risk almost nothing: still this is the question to be tried, and for the purpose of trying it this case must go back to the Sessions. Both orders should go back to the respective Sessions, that the rates may be amended according to the principles laid down.

The orders were sent back to the Sessions accordingly.

1846. }
 May 2. } THE QUEEN v. THE MAYOR OF
 1847. } DOVER.
 Jan. 19. }

Mandamus, Return to—Particularity—Burgess Roll, 5 & 6 Will. 4. c. 76. s. 9.—Signature of Churchwardens to Burgess List—Non-payment of Rates.

L, a householder, had his name placed upon the burgess list of a parish, signed by the overseers. The mayor and assessors expunged L's name, but did not reject the list altogether. A mandamus issued to the mayor, commanding him to insert L's name on the burgess roll. The return alleged that the burgess list was not signed by the churchwardens:—Held, on demurrer, that this afforded no answer to the writ, even if the churchwardens ought to have signed the list.

Semhle—their signature was unnecessary.

The writ of mandamus set forth the title and qualification of L. to have his name inserted in the burgess roll, and alleged, among other things, in the terms of the statute 5 & 6 Will. 4. c. 76. s. 9, that he had paid all such rates (including therein all borough rates directed to be paid under the provisions of that act) as had become payable by him. The return traversed this allegation in its terms:—Held, on demurrer, that the traverse was good.

Quære—whether it was necessary that the writ should have contained this allegation.

A return, alleging the non-payment of certain rates as a ground of disqualification, must shew with certainty and particularity the nature of the rates, the times when they were made, and how the prosecutor was assessed to and became liable to pay them.

Quære—whether the title of the prosecutor ought not to be inquired into, and finally decided, upon affidavit, upon the application for a mandamus.

Mandamus. The writ recited, that on the 5th of September 1844, the overseers of the parish of Charlton, which is in part within the borough of Dover, did duly make out an alphabetical list, called the burgess list, according to the form No. 1. in schedule D. in 5 & 6 Will. 4. c. 76, and that the said overseers did then sign such list, and deliver the same to the town clerk

of the borough on the same day; that John Langley, on the 31st of August 1844, occupied a house within the said borough, within that part of the parish of Charlton which is within the borough, and had occupied it during the whole time from January 1842 to the 31st of August 1844, and during the whole time of such occupation was an inhabitant householder within the said borough, and was a male person of full age; that he continued to occupy the said house and to be an inhabitant householder until the 5th of September 1844, and had been rated in respect of the said premises so occupied by him to all rates made for the relief of the poor of the parish of Charlton, during the time of his occupation, and had before the 31st of August 1844, paid all such rates, including therein all borough rates directed to be paid under the provisions of 5 & 6 Will. 4. c. 76, as had become payable by him in respect of the said premises, except such as had become payable within six calendar months next before the 31st of August 1844; that Langley was not an alien, nor had received parochial relief, &c.; that on the 5th of September 1844, the said overseers inserted the name of Langley in the said burgess list, as a person entitled to be inrolled on the burgess roll of the said borough of that year; that a court was duly holden on the 14th of October 1844, for the purpose of revising the burgess list of the borough, before William Clarke, then the mayor of the borough, and S. Baker, one of the two assessors duly chosen, &c., and H. Hart, the deputy duly appointed under the hand of R. Bushell, the other of the two assessors, which court was duly adjourned to the 15th of October 1844; that at such court, the said burgess list, so made out, &c. was produced, and the said mayor expunged the name of Langley from the said burgess list, &c., by reason whereof the name of Langley had not been inrolled in the burgess roll of the borough. The writ then commanded the mayor to insert the name of Langley upon the burgess roll.

Return—That before and at the time of the making out and signing the alphabetical list in the writ mentioned, there were two overseers of the poor of the parish of Charlton, &c., to wit, one Stephen Wraight and one Henry Pepper, and that

they, the said S. Wraight and H. Pepper, were the overseers in and by the said writ mentioned, and that they, the said S. Wraight and H. Pepper, and no other person or persons whatsoever, made out and signed the said alphabetical list; and that before and at the time of the making out and signing the said alphabetical list there were two churchwardens of and in the said parish, theretofore duly elected and sworn in, to wit, one Edmund Lawrence Lyne and one Matthias Rigden Kitham, and that the said E. L. Lyne and M. R. Kitham did not nor did either of them ever make out or sign the said alphabetical list, nor were they or either of them in anywise concerned, nor did they or either of them at all interfere or take any part in making out or signing the said list, or cause any person or persons to make out or sign the same, but the same were made out and signed by the said S. Wraight and the said H. Pepper only, and no other alphabetical or burgess list for the year 1844 was made out or signed by any overseer or overseers, or by any churchwarden or churchwardens of the said parish of Charlton. That the said J. Langley had not before the said last day of August, A.D. 1844, paid all such rates as in the said writ in that behalf mentioned, including therein all borough rates directed to be paid under the provisions of the said act of parliament as had become payable by him in respect of the said premises in the said writ in that behalf mentioned, except such as had become payable within six calendar months next before the said last day of August 1844, as in and by the said writ in that behalf above alleged and supposed. And that a certain large sum of money, to wit, 7s., being so much of a certain borough rate for the said borough of Dover heretofore, to wit, on the 7th of February 1842, made and directed to be paid under the provisions of the same last-mentioned act, as had become payable by him the said J. Langley, in respect of the said premises, so by him occupied, as in the said writ mentioned, and which had not become payable within six calendar months next before the said last day of August, and which had become payable by him in respect of the same premises, on a day before the commencement of the said six calendar months, to wit, on the 1st of May

1842, was on and after the said last day of August 1844, wholly due and unpaid, and was then in arrear from the said J. Langley, and that a certain other large sum of money, to wit, 4s., being so much of a certain other borough rate for the said borough of Dover, heretofore, to wit, on the 6th of February 1843, made and directed to be paid under the provisions of the same last-mentioned act, as had become payable by him, the said J. Langley, in respect of the said premises so by him occupied as in the said writ mentioned, and which had not become payable within six calendar months next before the said last day of August, and which had become payable by him in respect of the same premises, on a day before the commencement of the said six calendar months, to wit, on the 1st of May 1843, was, on and after the said last day of August 1844, wholly due and unpaid, and was then and afterwards, and until and upon and after the 5th of September 1844, in arrear from the said J. Langley. For which said causes I, the said mayor of the said borough of Dover, have not inserted, nor ought I to insert, the name of the said J. Langley upon the burgess roll of the said borough for this year, as in and by the said writ I am commanded."

The prosecutor demurred to the return, and stated the following grounds of objection to it:—First, that it ought to have specified the rate or rates in respect of the non-payment of which the prosecutor's name was not inserted on the burgess roll of the borough, and that the return should have stated when and by whom and for what purpose the said rate or rates was or were made, and in what sum or sums and in respect of what property the prosecutor was assessed, and when such rate or rates was or were payable, or have given some certain and definite description of such rate or rates. Secondly, that it did not state by whom or under what circumstances the said borough rates in the said return mentioned, or either of them, were or was made, or how the sums of 7s. and 4s. in the said return mentioned, became payable by the prosecutor under those rates respectively. Thirdly, that it only appeared under a videlicet that the said borough rates were made and directed to be paid on the 7th of February 1842, and the 6th of

February 1843, respectively. Fourthly, that it did not appear that the said J. Langley was ever assessed in or by the said borough rates, or either of them, or that the portions of the said borough rates alleged to have become payable by the prosecutor were, or that either of them was, ever ascertained or fixed by the said borough rates or either of them. Fifthly, that by law the prosecutor could not have been assessed in or by the said borough rates, or either of them, in respect of the said premises in the return mentioned, nor could any portion of the said borough rates, or of either of them, have become payable by him. Sixthly, that it did not appear that any objection was duly made to the prosecutor as not being entitled to have his name retained on the burgess list, or that any notice in writing of any such objection was duly given to the prosecutor, or left for him, pursuant to the 5 & 6 Will. 4. c. 76. s. 17, or that the person so objecting appeared at the Court held for the purpose of revising the said burgess list, in support of such objection.

Peacock (*Whateley* with him), in support of the demurrer.—By the statute 5 & 6 Will. 4. c. 76. s. 15, "the overseers of the poor of every parish" (not the churchwardens and overseers) are to make out every year the burgess list. By the 18th section, the mayor and two assessors are to revise such lists, and upon due proof to insert, and upon due objection to expunge names. It appears in the present case that the mayor did revise the list which was made out by the overseers of Charlton. Having done so, the mayor cannot now be permitted to say that that list was altogether invalid because the churchwardens did not join in it. The mayor did not reject the list altogether, which he ought to have done if it was altogether invalid, but he struck out the name of the prosecutor, without, as it appears, an objection having been made to him.

The Court called on—

Crompton, contra.—The return is good. It consists of three parts, each of which is a sufficient answer to the writ. First, it appears that the burgess list was invalid. Second, it denies the general allegation in the writ, that the prosecutor had paid all rates. Third, it states special facts shewing affirmatively that the prosecutor had not

paid certain rates payable by him. As to the first point, the prosecutor has chosen to rest his case upon the validity of the burgess list, and he must succeed, if at all, upon the title which he himself sets up. The defendant has a right to deny the title as made out by the prosecutor himself—*The King v. Williams* (1). If there was no good burgess list, the prosecutor might have shaped his case accordingly, and have shewn a good title another way, by alleging that he made his claim, under section 18, to have his name inserted by the mayor in a proper list; but he cannot be allowed to allege that the list which was made out was a valid list, and then prevent the defendant from traversing that allegation. The doctrine of estoppel does not apply—*The Queen v. the Mayor of Harwich* (2). This being so, the burgess list was invalid, inasmuch as it was not signed by the churchwardens. Churchwardens are overseers, and all the overseers must sign the list, or at least the majority of them—*King v. Burrell* (3), *King v. Share* (4), *The Queen v. the Justices of Cambridgeshire* (5).

[WIGHTMAN, J.—But how can the present defendant now raise the objection? He has adopted the list which you say was so imperfectly signed, though he has struck the prosecutor's name out of it.]

[PATTESON, J.—The return says, "for which said causes," including that on which you are now arguing, the mayor did not insert the name of Langley on the burgess roll. But that is not true, because this objection would have applied to the whole burgess list, not to Langley only. The objection was never thought of at the time, and is clearly an after-thought. It is obvious on the face of the return that it is so far a false one.]

Secondly, the return is good, inasmuch as it traverses in terms the general allegation in the writ that the prosecutor had paid all such rates as had become payable

(1) 8 B. & C. 683; s. c. 7 Law J. Rep. M.C. 46.

(2) 8 Ad. & El. 919; s. c. 8 Law J. Rep. (N.S.) Q.B. 13.

(3) 12 Ibid. 460; s. c. 9 Law J. Rep. (N.S.) Q.B. 337.

(4) 3 Q.B. Rep. 31; s. c. 11 Law J. Rep. (N.S.) Q.B. 163.

(5) 7 Ad. & El. 480; s. c. 8 Law J. Rep. (N.S.) M.C. 6.

by him. When the mandamus states the title of the prosecutor generally, the answer may be as general.

[PATTESON, J.—The complaint in the writ is, not that the mayor did not insert Langley's name, but that he struck it out, it being already in the list. Now, he had no authority to strike it out, unless it was duly objected to, and unless some one appeared to support the objection. Though non-payment of rates may have been a good answer to an application to insert it, yet it is no justification for striking out the name, inasmuch as the return does not shew that any objection was made.]

The writ does not state that it was wrongfully struck out without any objection having been made. It is to be presumed, therefore, that an objection was made and supported; and it would have been useless to set out that all the proceedings took place, which the writ does not negative. As the prosecutor has chosen to ground his claim upon his title, the defendant has a right to deny the title so set up, and to traverse the terms of the writ—*The Queen v. the Mayor of New Windsor* (6). The issue raised is, not whether the defendant acted rightly or wrongfully, but whether the prosecutor had a good title to be put upon the roll. Lastly, there is sufficient particularity in the statement in the return, as to the non-payment of the rates specified. Dates and times are given. A return is good if it pursues the suggestions of the writ.

Peacock, contra.—First, the defendant is estopped from setting up the non-signature of the churchwardens to the burgess list—*The Queen v. the Mayor of Lichfield* (7). There the prosecutor's name being on the burgess list, he was not under the necessity of giving any notice of claim to be put on the burgess roll; he was entitled to be put upon the roll unless an objection was made to him. It was for the defendant to shew that an objection was made; and this he has not shewn. Secondly, the return is insufficient in traversing the general allegation in the writ, that the prosecutor had paid all the rates pay-

able by him. The writ follows the terms of the 9th section of the 5 & 6 Will. 4. c. 76, and shews affirmatively the right of the prosecutor to be placed on the burgess roll, not by merely asserting in general terms that he was duly qualified, which is a conclusion of law, and which was the averment in *The Queen v. the Mayor of New Windsor*, but by setting out the facts on which his qualification is founded for the opinion of the Court, and stating his general performance of the particular things requisite to confer a qualification. This is a mixed question of fact and law. The return ought to have stated what rates had not been paid,—to have alleged specific non-performance of some of the facts set out in the return as constituting the qualification. It would be useless to go down to trial upon an issue traversing generally the qualification, for it may be that there are no facts in dispute, whereas, if the defendant traverses the facts severally, the prosecutor would know what he is called upon to prove. In *Sayre v. Minns* (8), Lord Mansfield says, "I take this to be a rule in pleading, that you cannot go to issue on a general averment of performance; and the reason is this, that the question may be brought to some degree of certainty, and notice given of what is to be agitated at the trial." Lastly, the particular averments of non-payment of rates are insufficient. It is not shewn how the prosecutor became liable to pay the sums mentioned. The council of the borough by 6 & 7 Will. 4. c. 76. s. 92, have the same power as county Justices under 55 Geo. 3. c. 51. The rate imposed by them is upon parishes, not upon individuals: and the parishes assessed collect their quota. Where part of the parish only is within the borough (as in the present case) there must be a sub-rate by stat. 1 Vict. c. 81. s. 3. The sub-rate, therefore, ought to have been shewn on the return in order that the Court might determine its validity. No portion of the borough rate as such is payable by an individual. The return is, therefore, bad in stating that the prosecutor has not paid a borough rate, for he could not have been assessed to it.

(6) 11 Law J. Rep. (N.S.) Q.B. 319.

(7) 1 Q.B. Rep. 453; s. c. 10 Law J. Rep. (N.S.) Q.B. 171.

(8) Cowp. 575, cited in *Huyman v. Gerrard*, 1 Saund. 103, d. n. b.

LORD DENMAN, C.J.—With regard to the general traverse, there is no doubt that to a mandamus to admit a person to an office, suggesting that he was duly elected, a traverse of that suggestion is a good answer, and a proper way of putting in issue the title of the applicant. It may be the applicant is a perfect stranger, and there must be some way of traversing the title he sets up. But that mode of return has generally been in answer to a mandamus to admit. This is, in substance, an application to restore a name expunged. So, in *The Queen v. the Mayor of New Windsor*, the mandamus alleged that the prosecutor was qualified; it was taken for granted that the return that he was not qualified was a good return; but that also was an application to admit, *i.e.* to insert a name which had never been on any list at all. In *The Queen v. the Mayor of Harwich*, the case was decided upon affidavits, but all that the applicant stated as to his title was, that he was qualified. All these cases are distinguishable from the present. We will consider whether the general form of denial of the title set up by the prosecutor is applicable in the present instance, and also the objection as to the want of particularity of the statement in the return as to the rates specified. But, upon the first point discussed, I entertain no doubt that the mayor has no right now to say this was not a good list; what he has himself acted on *de facto* must be taken to be a valid list.

PATTESON, J.—I quite agree: I do not retract a word I said upon that point, for it is perfectly plain that the mayor had no idea whatever, at the time he refused to insert Langley's name, that there was any good objection to the burgess list. It was an after-thought, and not a very honest one, which we are not disposed to give effect to.
Cur. adv. vult.

The judgment of the Court was now delivered by—

LORD DENMAN, C.J.—The first part of this return, which states that the churchwardens did not sign the burgess list, is bad. This Court held in the case of *The Queen v. the Mayor of Lichfield*, that even where there is no burgess list made out, a person entitled to have his name placed on the burgess roll may come to the Court for a

writ of mandamus to compel the insertion; *à fortiori*, a person may do so when an imperfect burgess list has been made out. We do not mean to decide that it was necessary for the churchwardens to sign; but even if it be, their omission to do so cannot be any answer to this writ. The second part of the return traverses an allegation in the writ, that the applicant had paid all rates. This allegation is made in the terms of the statute 5 & 6 Will. 4. c. 76. s. 9, which provides as to the qualification of burgesses. Whether it was necessary to make that allegation in the writ of mandamus itself, under the 24th section of 1 Vict. c. 78, or not, still it appears to be a material allegation as part of the applicant's qualification or title, and being so, it is traversable in the terms of it. The return goes on to state that certain rates had not been paid by the applicant. We think that this part is not stated with sufficient particularity; that the times when the rates were made and the nature of them should have been more specifically set forth. We are therefore of opinion that judgment must be given for the Crown on the demurrer as to the first and last parts of the return, and for the defendant as to the second one, the general traverse. A serious doubt has occurred to us whether the proceedings in this case have been right according to the intention of the statute, which seems to contemplate a speedy remedy, and to impose on the Court the duty of inquiry into the prosecutor's title by affidavit. This course was taken in the case of *The Queen v. the Mayor of Eye* (9). It seems right to mention this with a view to the practice in future. Whatever opinion may be ultimately formed herein, our judgment must be as I have stated in the present case, when the writ has not been peremptory, but has called for a return.

Judgment for the Crown on the demurrer to the first and last parts of the return; for the defendant as to the second part.

(9) 9 Ad. & El. 670; s.c. 8 Law J. Rep. (N.S.) Q.B. 142. But the Court in that case refused a peremptory mandamus—see the observations of Lord Denman, C.J. p. 676.

BAIL COURT. } THE QUEEN v. GEORGE
1847. } BEST, ESQ. AND OTHERS,
May 3, 25. } JUSTICES OF SURREY.

*Highway Surveyors of, Appointment of
—Vestry, Notice of—Rate, Concurrent.*

On the 22nd of March a notice was posted for a vestry meeting, to appoint parish officers on the 25th; and the meeting being held, two surveyors of highways were appointed. On the 11th of April, at a special sessions for highways, it appeared to the Justices that the appointment was invalid, as there had not been three clear days' notice of the vestry meeting, which is requisite under the 58 Geo. 3. c. 69, and the Justices then appointed two other surveyors under the 5 & 6 Will. 4. c. 50. s. 11. The new surveyors, on the 1st of October, made a rate which some of the inhabitants refused to pay. On the 20th of November they made another rate, and W, one of the inhabitants, having refused to pay was summoned before the Justices. The Justices refused to grant a distress warrant, whereupon the surveyors obtained a rule nisi for a mandamus:—Held, that the appointment at the vestry meeting was invalid on account of the insufficiency of the notice, but that the appointment by the Justices was also bad, because it was made at the same special sessions at which it appeared to them that the inhabitants had neglected duly to choose surveyors: whereas, under the 5 & 6 Will. 4. c. 50. s. 11, it should have been made at the next succeeding special sessions for the highways.

Semble, that the second rate, under such circumstances, is not bad, although there was a former one existing, the second not being substituted for the first.

On Sunday, the 22nd of March 1846, a notice was affixed to the door of the parish church of Shalford, a parish situated in the Guildford division of the county of Surrey, calling a meeting of the parish vestry on the Wednesday following, for the purpose of nominating and appointing the parish officers for the ensuing year. A meeting was held accordingly, at which Nimrod Mitchell and John Budd were elected surveyors of the highways for the ensuing year, and persons were also nominated as overseers. On the 28th of March, the Magistrates of the division confirmed the appointment of

two of the persons nominated as overseers, and no objection was taken to the validity of the nomination. At a special sessions for the highways, held at Guildford, on the 11th of April, it appeared on oath that the inhabitants had neglected duly to appoint surveyors of the highways, inasmuch as the meeting at which Mitchell and Budd had been elected had no power to elect, the notice by which it was called not having been given "three days at the least" before the day appointed for holding it, pursuant to the statute 58 Geo. 3. c. 69 (1). The Justices at the special sessions, thinking that the appointment of the surveyors was invalid on that ground, proceeded to appoint Sir Henry Edmund Austen and George Davis, by virtue of the provisions of the 11th section of the General Highway Act, the 5 & 6 Will. 4. c. 58.

(1) The act provides (s. 1.) "That no vestry or meeting of inhabitants in vestry of or for any parish shall be holden until public notice shall have been given of such vestry, and of the place and hour of holding the same, and the special purpose thereof, three days at the least before the day to be appointed for holding such vestry, by the publication of such notice in the parish church or chapel, on some Sunday during or immediately after divine service, and by affixing the same fairly written or printed on the principal door of such church or chapel."

The 1 Vict. c. 45. repeals the former act as far as regards the publication in the church, and directs the notice to be affixed to the door only.

(2) The sixth section provides that the inhabitants at their first meeting in vestry, for the nomination of overseers of the poor in every year, shall proceed to the election of one or more surveyors.

The 11th section enacts, "That in case it shall appear on oath to the Justices at a special sessions for the highways, that the inhabitants of any parish have neglected or refused to nominate or elect a surveyor or surveyors in manner and for the purposes aforesaid, or that the outgoing surveyor, except he had been directed by the inhabitants so to do, has delivered no statement of the name and residence of his successor or successors, or that the surveyor is dead or has ceased to possess his qualification, or is or has become disqualified in any manner herein mentioned, or that he has neglected to act, or refused to carry into operation the duties imposed upon him by this act, it shall and may be lawful for such Justices, and they are hereby authorized and required, by writing under their hands at their next succeeding special sessions for the highways, to dismiss such surveyor so neglecting to act or refusing to carry into operation the duties imposed upon him by this act, and to appoint any person whom they may think fit to be a surveyor for such parish till the annual meeting then next ensuing for the nomination of overseers, or for the election of surveyors as aforesaid."

s. 11. (2). Sir Henry Austen and Mr. Davis accordingly took upon themselves the duties of surveyors, and on the 1st of October made a highway rate, which was allowed on the 10th, and was partly collected. Some of the inhabitants refused to pay, and the surveyors, without enforcing the rate, on the 20th of November made another, which was allowed by the Justices on the 21st. Among the inhabitants a person named John Weaver was assessed in the sum of 1l. 11s. 5d., which he refused to pay. The surveyors consequently took out a summons calling upon Weaver to appear before two or more Justices of the division on the 5th of December, to shew cause why he refused to pay the rate. Weaver appeared, and objected that the surveyors had not been duly appointed. The Justices decided that Weaver had shewn no cause, but did not proceed to issue a distress warrant. On the 19th of December the surveyors applied to George Best, Esq. and three other of the Justices for a distress warrant, but they refused to grant it.

Montagu Chambers having obtained a rule nisi for a mandamus calling on the Justices to issue a distress warrant, and enforce the rate,—

Wordsworth (3rd of May 1847) shewed cause.—There are several points in the case. First, it is clear from the 6th section of the 5 & 6 Will. 4. c. 50, that if there was a vestry meeting held at Lady-day, for the purpose of electing parish officers, it was not necessary to give notice for the purpose of the appointment of surveyors under the Act. It is necessary to give notice only when there is no vestry meeting. There was, in fact, a notice posted on the Sunday for a meeting on the Wednesday.

[*Chambers*, contra.—It was necessary to give notice; and notice “three days at least” before the meeting, means three clear days—*Dobson v. Fussy* (3), *The Queen v. the Justices of Shropshire* (4).]

No notice is required for the purpose of appointing surveyors. Secondly, supposing the appointment on the 25th of March was invalid on account of the insufficiency of the notice, yet the Justices at the special sessions had no authority to appoint Austen and

Davis on the day on which it was shewn to them that the former election was invalid. The 11th section of the Highway Act authorizes the Justices to appoint surveyors at the special sessions for highways next succeeding that at which it appeared to them on oath that the inhabitants had neglected to appoint; but here they made their appointment at the same sessions. Thirdly, the distress warrant which is applied for is for levying a rate made on the 20th of November, while there was another rate existing which had not been enforced. There cannot be two good concurrent rates for the same period. When there are two rates for the same period, and the former of them is not quashed, the latter is invalid—*The Queen v. the Inhabitants of Fordham* (5). Fourthly, the last objection is, that if there is a doubt as to a point of law, the Court ought not to put the Justices in jeopardy by sending a mandamus.

[ERLE, J.—Is not a peremptory mandamus a protection to the Justices?]

The Court has often refused a mandamus when the circumstances of the case were of a doubtful character.

[ERLE, J.—The Mandamus Act, 6 & 7 Vict. c. 67. s. 3, was passed in consequence of those decisions.]

The validity of the rate might have been tried on appeal.

[ERLE, J.—But suppose that Weaver refused to pay after the confirmation of the rate on appeal, could any other course be pursued?]

Until an appeal has been tried the Court should not grant a mandamus when there are such doubts in the case.

Montagu Chambers and *Phipson*, in support of the rule.—This is the case, of all others, in which this Court will interfere to direct the Justices. The rate having been made, many of the parties assessed paid, but Weaver refused. Being brought before the Magistrates he failed in shewing cause against the rate; but the Magistrates, fearing an action, refused the warrant, and have come to this Court for direction. The Mandamus Act was passed for the purpose of meeting this state of things. Before that act, if the case was a clear one, the Court granted a mandamus; and since the act, if

(3) 7 Bing. 305; s. c. 9 Law J. Rep. C.P. 72.

(4) 8 Ad. & El. 173; s. c. Law J. Rep. (N.S.) M.C. 56.

(5) 11 Ad. & El. 73; s. c. Law J. Rep. (N.S.) M.C. 3.

the case is doubtful, a peremptory mandamus saves the Magistrates harmless. As to the first point, that which refers to the first appointment of surveyors—there must be a legal meeting in vestry of the inhabitants for the appointment of overseers, in order to give them power to appoint surveyors under the 6th section of the Highway Act. Now, under the 58 Geo. 3. c. 69. s. 1, there can be no legal vestry meeting unless public notice has been given three clear days before.

[ERLE, J.—In consequence of the decision that “three days at least” means three clear days, I think that the first surveyors were not properly appointed.]

The manner of appointment, in case there has been none made by the vestry, is regulated by the 11th section of the act. The words of the statute, which empowers the Justices to appoint at the special sessions next succeeding that at which it appears that there has been no appointment by the inhabitants, are merely directory. In the case of *The King v. the Justices of Denbighshire* (6), it was held that though the 13 Geo. 3. c. 78. directed the Justices to appoint a surveyor at the first special sessions after Michaelmas Quarter Sessions, and they omitted to do so, a mandamus should go to compel them to appoint at a subsequent period, the words of the statute being considered directory only; and in *The King v. Sparrow* (7), the Court held that overseers might be appointed under the 43 Eliz. c. 2, although the time mentioned in the statute had expired. Though there is no case which shews that such an appointment may be made before the time mentioned in the act, yet if the words are directory, it is for the other side to shew why the appointment should not take place before as well as after the time mentioned. As to the point insisted upon to prove the invalidity of the warrant, namely, that the second rate was concurrent with the first, the argument proceeds on the ground that the rates were for one and the same period. There is no authority to shew that if the surveyor cannot succeed in collecting the whole of the rate, he should be prevented from doing his duty by making a new rate.

[ERLE, J.—There is no doubt that every new rate leaves something in arrear. The question is, whether the second rate was substituted for the first, because the Court holds that you cannot substitute a fresh rate for another valid rate not paid up.]

The fair inference from the facts is, that the rates were not made for the same period, but that they were made according to exigencies. They may not have been made even in respect of the same highways.

Cur. adv. vult.

ERLE, J. (8), 25th of May.—On shewing cause against a rule for a mandamus commanding the Justices to take steps for levying a rate for highways, it appeared that the validity of the appointment of surveyors of the highways by the vestry was disputed on the ground that a notice on Sunday, for a vestry on Wednesday, was not a notice of three days at least, and these facts were shewn to Justices at a special sessions for highways; and they at the same sessions appointed the surveyors who made the rate sought to be enforced. One question raised was, whether this appointment was valid under the 5 & 6 Will. 4. c. 50. s. 11, whereby it is enacted that in case the neglect of a parish to elect a surveyor appears on oath to Justices at a special sessions for the highways, they may at their next succeeding special sessions for the highways appoint a surveyor; and I am of opinion that it was not. The enactment is clear that the interval between the two special sessions for the highways is to be interposed between shewing the neglect of those who have the primary right of election, and the appointment by the authority substituted in case of such neglect; and there seems good reason for the interval, as the alleged neglect may be denied or explained, and as inquiry may be requisite to ascertain who are the fittest persons. The appointment of the surveyors being invalid, the rate made by them cannot be enforced. It follows that the rule should be discharged; and if the Justices were at the cost of shewing cause, it should be discharged with costs to them.

Rule discharged.

(8) Coleridge, J. delivered judgment for Erle, J.

(6) 4 East, 142.

(7) 2 Stra. 1123.

1847. } THE QUEEN v. THE INHABITANTS
May 7. } OF HARTPURY.

Examination — Appeal — Certiorari — Practice—Points not raised in Case—Relief —Acknowledgment.

Where a case has been sent from the sessions the Court will not, upon the certiorari, go into any objections arising on the face of the order itself, not raised by the case.

A statement in the examination of the pauper, that "whilst residing in parish A, she has received monthly relief from B." (another parish), is sufficient to allow the respondent parish, on an appeal, to go into evidence of an acknowledgment of a settlement in B. by relief.

On appeal against an order of two Justices for the removal of Sarah Ann Holder and Agnes Holder from the parish of Monmouth, in the county of Monmouth, to the parish of Hartpury, in the county of Gloucester, the Sessions confirmed the order, subject to the opinion of this Court on the following

CASE.

The following are all the examinations upon which the order was made which are material to the question for the opinion of the Court. The examination of Ann Morse, wife of John Morse, states :—"About twenty years ago I married my first husband, John Holder, in the parish church of Staunton, in the county of Gloucester, by banns, by whom I had three children, now living—namely, James, aged eighteen years; Sarah Ann, aged fourteen years; and Agnes, aged eleven years. My eldest son, James, is in service, and my daughters, Sarah Ann and Agnes, now present, who have never gained a settlement in their own right, are now chargeable to the said parish of Monmouth. During my first husband's lifetime we became chargeable to the parish of Newland, in the said county of Gloucester; and after the death of my first husband, who died about nine years ago, I and my said three children were removed from thence to the parish of Hartpury, in the said county of Gloucester (by an order of removal), where we were relieved; and soon after that we returned to the said parish of Newland, and while there I received monthly relief from Hartpury aforesaid, and continued to do so

for six months, and I never did any act afterwards to gain a settlement elsewhere for myself or children, until I married my present husband, John Morse. Soon after the commencement of the Newent Poor Law Union, in the said county of Gloucester, and while I was a widow, I was relieved in the workhouse there by the parish of Hartpury, belonging to the said union. I stayed in the Newent Union workhouse with my said three children, for about three months, at the expense of the said parish of Hartpury. I then came out of the said workhouse, and the said parish of Hartpury allowed me four shillings a week for about eight months. About seven years ago I married my present husband, John Morse," &c.

The examination of Thomas Baynton states :—"About nine years ago I was overseer of the parish of Newland, in the county of Gloucester; and while I was such overseer, I remember taking Ann Morse (then Ann Holder, widow) and her three children, two of whom are now present, from the said parish of Newland to the said parish of Hartpury, in the said county of Gloucester. I took a paper and gave it to the overseer of Hartpury, with the said paupers, and left them there."

The following, amongst others, were the grounds of appeal :—Thirdly, that the said order and the said examinations, whereon the same was founded, are bad upon the faces thereof respectively. Fourthly, that it appears on the faces of the said examinations that no legitimate evidence of the removal of Ann Morse in the said examinations mentioned, and her children was given before the Justices who made the order now appealed against, the former order (referred to in the said examinations, but which we deny ever to have existed) for the removal of the said Ann Morse and her said three children not having been produced and proved before the same Justices, and it not having been proved before the same Justices that the said former order had been lost, destroyed, or could not be produced before the same Justices. Fifthly, that the examinations whereon the said order was founded contain no legal or sufficient evidence of the making or executing of the said order in the said examinations mentioned, or of the removal or delivery of the said paupers in the

said examinations under the said order. Seventhly, that the statements in the examination of Ann Morse, as to the relief received whilst the said Ann Morse was in our said parish, is not any evidence of any settlement in our said parish. Eighthly, that the statement in the same examination as to the relief in the workhouse of the Newent Poor Law Union is not any evidence of any settlement in our said parish. Ninthly, that the statement in the same examination, as to the relief received whilst the said Ann Morse was in the parish of Newland, is wholly insufficient and uncertain as to the times when, the person from whom, and the sums in which such relief was received. Tenthly, that the same statement is insufficient in this, that it does not shew that the said relief was given by any churchwarden or overseer, or was parochial relief, or was furnished from, or paid out of, any parochial fund whatever.

At the trial of the appeal, the appellants contended that the examinations did not disclose sufficient legal evidence of the former order of removal, which was admitted. The appellants further contended, under the 7th, 8th, 9th, and 10th grounds of appeal, that the said examinations did not contain any sufficient legal evidence of any acknowledgment by relief of the settlement of the said Ann Morse in the appellant parish, and objected to the respondents giving any evidence in support of such acknowledgment of settlement. The said Court of Quarter Sessions held the said examination to be sufficient in that respect, and admitted evidence of such acknowledgment of settlement. The question for the opinion of the Court is, whether, upon the above examinations, the respondents were entitled to go into evidence of acknowledgment of a settlement of Ann Morse in the appellant parish by relief. On a former day, in Trinity term last,—

Greaves had obtained a rule in the usual form for the bringing up the order of Justices, as well as the order of Sessions, stating, when he moved for the rule, that he should take objections to the order for defects appearing on the face of it, in addition to the points raised in the above case (1).

(1) The form of the order was, that "if within twenty-one days after the churchwardens and overseers of the poor of the said parish of Monmouth

Keating and *Smythies*, in support of the order of Sessions.—First, the Court will not now go into any defects on the face of the order, no question with respect to them having been raised by the Sessions—*The Queen v. the Inhabitants of St. Anne's, Westminster* (2). Then, as to the question raised by the case itself. The Justices are to decide whether the allegations are sufficiently precise, or whether the appellants were likely to be misled, and this Court will not now hold that the respondents were not entitled to go into their case. It is not contended that the "taking the paper" amounts to a sufficient statement of an order, but there is a sufficient statement of relief by Hartpury.

[PATTERSON, J.—Hartpury appears to be part of a union; if so, it may be contended

shall have sent by post or otherwise unto the churchwardens, &c. of the said parish of Hartpury, a notice in writing of the said S. A. H. being so chargeable as aforesaid, together with a copy or counterpart of this order, and a copy of the examination, &c., no notice of appeal against this order shall have been given, &c. . . . or if notice of appeal shall be given within the twenty-one days aforesaid, then forthwith after the time for prosecuting such appeal shall have expired (if the same be not duly prosecuted), or in case the same shall be duly prosecuted, then forthwith after the final determination of the same, if the orders shall thereupon be confirmed, you, the said overseers, &c., do convey and remove," &c.

The points stated on behalf of the parish of Hartpury, in addition to the question raised by the case, were, that the said order was bad on the following grounds:—First, that it is conditional, and not absolute and positive. Second, that it is bad, by reason of its incorporating the provisions contained in the 79th section of the Poor Law Amendment Act, 4 & 5 Will. 4. c. 76, which only apply to the mode of carrying orders of removal into execution. Third, that assuming an order incorporating the said provisions might be good, this order is bad, because it does not incorporate all the said provisions. Fourth, that it is bad, inasmuch as it postpones the removal of the paupers under it, to a time to which the parties had no jurisdiction to postpone it.

For the Crown it was contended, that the above objections on behalf of the parish, in the marginal notes for points for argument, cannot be heard, because they are not reserved by the Sessions for the opinion of the Court, and no notice of them has been given to the prosecutors, except by the said marginal note; and that the order is good, because the part objected to as conditional is merely the expression of that which would otherwise be tacitly implied; and because an order cannot be vitiated by imposing a condition previously imposed by law.

(2) *Ante*, p. 33.

that it is not shewn on this statement, that the relief was given by the parish.]

There is a distinct statement that the pauper, after her return from Hartpury to Newland, and whilst residing there, received monthly relief from Hartpury. It will, perhaps, be said, that it should have been stated that the relief was given by the overseer, but the question is, whether the parish of Hartpury had knowledge that the relief was given. This is analogous to the cases decided on questions of chargeability, of which the receiving relief from the parish or township has been held a sufficient statement—*The Queen v. the Inhabitants of Great Bolton* (3). It was there argued that relief by the township was not sufficiently specific, and that it should be shewn who gave the relief; but the Court held the statement of "receiving relief" of itself sufficient. In *The Queen v. the Justices of the West Riding* (4), and *The King v. the Inhabitants of Great Wishford* (5), the rule that the Sessions are the proper judges of the effect of the evidence was distinctly adhered to.

[LORD DENMAN, C.J.—Undoubtedly, whenever the statement is of evidence sufficient to allow the Sessions to draw the inference, we should support their finding.]

Greaves, contra.—There was nothing in the examination which, if taken to be true, is evidence of parochial relief—that is to say, of relief out of the funds of Hartpury. The question in *The Queen v. the Inhabitants of Great Bolton* was one of chargeability: a pauper whilst residing in a parish, as was the case there, can only receive parochial relief. In the event of an indictment for perjury, how could the truth of the statement be negatived? In *The King v. Great Bedwin* (6), the statement in the order was that the pauper applied to the churchwardens and overseers of the appellant parish, who accordingly did relieve him, and Lee, C.J. observed, that "though relief was stated to have been given by the parish officers, it did not appear that

it was at the parish expense"; and the order was quashed. The statute 5 & 6 Will. 4. c. 76. s. 52. prohibits relief being given out of the workhouse except under special circumstances. In *The Queen v. the Inhabitants of Bedingham* (7), *The Queen v. the Inhabitants of Acton* (8), and *The Queen v. the Inhabitants of Watford* (9), it was stated distinctly that the relief had been given by the relieving officer and by the parish. Great strictness in these allegations was held necessary in the late cases of *The Queen v. the Inhabitants of Bradford* (10) and *The Queen v. the Inhabitants of Little Marlow* (11).

[WIGHTMAN, J.—The question there was, whether the statement amounted to a statement of relief by the parish. Here that statement is distinctly made.]

That is the question: it would be a great hardship if relief, given under a previous order of removal, which may have been wholly a nullity, should have the effect of binding the parish. Then, as to the objection on the face of the order itself.

[LORD DENMAN, C.J.—We have not the order before us.]

The objections were taken on moving for the rule, and the rule is to bring up the original order of the two Justices as well as the order of Sessions (12). In *The King v. Guildford* (13), which was referred to in *The Queen v. the Inhabitants of St. Anne, Westminster*, the Court refused, when an order was brought up by *certiorari*, to look into it to see if any objection could be raised on the face of it; here they were expressly stated on moving for the *certiorari*. Lord Ellenborough there admitted, that if no case at all were reserved, the Court might go into questions on the face of the order.

LORD DENMAN, C.J.—We must first consider whether we are to go into objections raised on the face of the order, and that question must be decided on general principles. The Quarter Sessions decided the

(3) 7 Q.B. Rep. 387; s. c. 14 Law J. Rep. (N.S.) M.C. 122.

(4) 10 Ad. & El. 685; s. c. 9 Law J. Rep. (N.S.) M.C. 57.

(5) 4 Ibid. 216; s. c. 5 Law J. Rep. (N.S.) M.C. 25.

(6) Burr. S.C. 163.

(7) 13 Law J. Rep. (N.S.) M.C. 75.

(8) 15 Ibid. 21.

(9) *Ante*, p. 1.

(10) 15 Law J. Rep. (N.S.) M.C. 117.

(11) *Ante*, p. 70.

(12) It appeared that a copy of the order, and not the original, had been returned with the case.

(13) 2 Chit. Rep. 284.

appeal, and their judgment was thought erroneous by the appellants, at whose request a case was granted by the Sessions to get the opinion of this Court to guide them. And the *certiorari* is necessary, and is granted as of course, to bring the question raised by the case before us. We are asked to go into another question arising on the face of the order, and *The King v. Guildford* has been referred to. In that case Lord Ellenborough felt the difficulty of doing this. He said, "If the Sessions had asked us no question we might have looked into the order, but if they have asked us one we will not answer two;" and it does appear to me to be quite inconsistent with the principles which have hitherto guided our practice in this respect, if we were to enter into any question besides those reserved by the Sessions. The number of cases now standing in the Crown paper shews that the facility of granting cases is too great already, and I see no reason for our exercising our jurisdiction in going into questions on which the Sessions have not thought it necessary to ask our opinion. It is true that in this case, when the *certiorari* was moved for, it was properly stated that the objection on the face of the order would be gone into. Yet I think that the *certiorari* is improper in this respect. The objections to the order itself, if they exist, should have been taken at an earlier stage; and I think that the practice which has only lately been adopted ought to prevail no longer. In this particular instance, I learn from the officer of the court that the original order of Justices has not been returned to this court, but a copy only; but however that may be, it is important that the rule of practice should be understood.

Then, secondly, we are to decide the question which is raised by the case, and that question appears to me quite free from difficulty. I do not see how any doubt can be raised upon it, except on the assumption that it is the duty of the Court to exercise an extraordinary degree of strictness as to the wording of a statement of this kind, and to shut our eyes to its plain and obvious meaning. It is said in the examination that the pauper "received monthly relief from Hartpury aforesaid." What does this mean? Does it only refer to the geographical position of Hartpury? and can there

be the slightest doubt that it means relief given by the parish officers of Hartpury? It is difficult to see where objections of this sort are to end. Suppose it had been said that it was given by the parish officers of Hartpury, it might in that case be said that there was no proof of their being such, in respect of their appointment or acting. I am not aware that it was ever held necessary to say that the relief was given out of parochial money. On this question we have not entertained the slightest doubt. The order of Sessions must be confirmed.

PATTERSON, J.—I am of the same opinion. On the first question, which is one of practice, some doubt has lately existed. It is admitted, on all hands, that when a case is brought up by *certiorari*, the party who brings it up has no right to go into any new objection as to the facts; but a distinction has been taken and acted upon with respect to defects on the face of the order itself. I think, however, that the practice which seems to have crept in in this respect is bad and inconvenient, and the sooner it is put an end to the better; wherever a case is granted, it would lead to great confusion if we looked at anything else. It cannot, indeed, be said that there is in this case any surprise upon the other side, as the grounds of appeal contain an objection to the order itself; but, on the other hand, that is another objection to our entertaining it at the present stage; and it ought to be clearly understood for the future, that the Court will, when a case is brought up, look at that case and that case alone. Then, as to the question raised by the case, it does not depend upon authority, but must be decided by the plain meaning of the statement. The pauper states, that after her return to the parish of Newland, and whilst there, she received monthly relief from Hartpury. The parish officer says that he gave the pauper into the custody of the parish officer of Hartpury, and she afterwards went back and received relief from Hartpury, and surely no man of common sense could fail to see the meaning of the examination in this respect.

WIGHTMAN, J. concurred.

ERLE, J.—I am of the same opinion on both points; with regard to the last, the statement in the examination would universally be understood to mean relief by

the parish, and the words of an examination of this sort must be taken to bear their ordinary meaning.

Order of Sessions confirmed.

BAIL COURT. }
1847. } THE QUEEN v. THE JUSTICES
June 5, 12. } OF MIDDLESEX.

Lunatic—Order of Maintenance—Copy of Examination.

Such provisions in the 79th section of the 4 & 5 Will. 4. c. 76, as are applicable to the case of a pauper lunatic are to be taken to be incorporated in 8 & 9 Vict. c. 126.

Therefore a copy of the examination on which an order for the maintenance of a pauper lunatic is founded, should be sent along with the order.

Such an order includes an adjudication upon the settlement of the pauper.

On the 29th of November 1845, two Justices of the county of Middlesex made an order under their hands and seals, directed to the Treasurer of the Guardians of the Poor of the City of London Union, requiring them to pay to the churchwardens and overseers of the poor of the parish of St. James, Clerkenwell, in the said county, the sum of 15s. 6d., being the amount of expenses incurred on the examination of Sarah Grimes, a pauper lunatic, and her conveyance to an asylum, and a certain sum for her future maintenance there. A copy of the order was duly served on the 3rd of December 1845, but no copy of the examination on which the order was founded was sent till the 23rd of December. The next quarter sessions were held on the 6th of January 1846. On the 9th of February, a notice and grounds of appeal by the officers of the parish of the Holy Trinity, in the city of London, for the April sessions, were served upon the respondents. The appeal was entered and respited at the April sessions. The appeal having been called on for hearing at the July sessions, the counsel for the respondents objected that it ought to have been entered at the January sessions, and that, therefore, the April sessions had no

jurisdiction. The Sessions refused to hear the appeal upon this ground.

Pashley having (in Hilary term, 1847) obtained a rule *nisi* for a mandamus, calling on the Justices to enter continuances and hear the appeal,

Bodkin and *Boothby* (June 5,) shewed cause.—The questions in this case arise on the 62nd section of 8 & 9 Vict. c. 126; and the first point is whether, under the provisions of that section, it is necessary to send along with a copy of the order for the maintenance of a pauper lunatic a copy of the examination, on which the order was founded, as in the case of the removal of a pauper. The 62nd section of the act contains the following provisions:—"Provided always that the guardians of any union or parish, or the overseers of any parish, township, or place, affected by such order, may appeal against the same in like manner as if the same were a warrant of removal, and in case of such appeal the guardians of the union or parish, or the overseers of the parish, township, or place, or the clerk of the peace of the county to which such lunatic was chargeable, before such order was made, may defend such appeal, and the persons appealing or intending to appeal and the persons defending such appeal shall have all the same powers, rights, and privileges, and be subject to the same obligations in all respects as in the case of an appeal against a warrant of removal." It is submitted that under this section there is no necessity for sending a copy of the examination, as in the case of a removal. The provisions of the section do not apply until there is an appeal: nor can it be taken that the provisions of the 79th section of the Poor Law Amendment Act are to be incorporated. Under this statute there is no removal. In the case of *The Queen v. the Justices of the West Riding* (1) *Williams, J.* intimated his opinion that the provisions of the 79th section of the Poor Law Amendment Act (4 & 5 Will. 4. c. 76) were not applicable to the case of an appeal under 9 Geo. 4. c. 40. s. 54; and in *The Queen v. the Recorder of York* (2) *Wightman, J.* decided,

(1) 15 Law J. Rep. (N.S.) M.C. 52.

(2) *Ante*, p. 22.

that in an appeal under either the 46th or 54th section of the last-mentioned act, no grounds need be stated. In the next place the appellants were not the proper parties to appeal. The treasurer of the guardians, being the person on whom the order was made, was the proper party to appeal.

[WIGHTMAN, J.—As the parish would ultimately have to pay, it was affected by the order.]

There is no reason for complying with the provisions of the Poor Law Amendment Act, because there is only a recital and no adjudication of a settlement in this order.

Pashley, in support of the rule.—This case is distinguishable from the cases cited, which arose upon a statute passed previously to the Poor Law Amendment Act, whereas this statute was passed after it. The settlement of the pauper is brought into question under an order like this. It is conceded that the appellants are bound under the 62nd section of this act to send grounds of appeal, and therefore the Court would hold that the respondents are bound to send a copy of the examination. The statute contemplates certain rights and privileges of persons intending to appeal, and it is a right and privilege which the appellants have to receive a copy of the examinations, as well as it is an obligation on them to send their grounds of appeal.

Cur. adv. vult.

WIGHTMAN, J. (June 12,) gave judgment. —I thought at the time of the argument that the 79th section of the Poor Law Amendment Act was incorporated, so far as applicable, in the 8 & 9 Vict. c. 126, and I am still of the same opinion. I think that wherever a provision in the 79th section of the Poor Law Amendment Act can be made applicable to the case of a pauper lunatic, such provision must be taken as incorporated in this Act. The other point was, whether the order for payment included an adjudication of the settlement, and it seems to me that it must be so, and the terms of the clause warrant that view. Therefore the rule must be absolute on both points.

Rule absolute.

1847.
May 29.

{ THE QUEEN, on the prosecution
of the POOR LAW COMMISSIONERS, v. THE OVERSEERS
OF THE POOR OF THE TOWNSHIPS
COMPRISED IN THE
OLDHAM UNION.

Poor Law Commissioners — Returning Officer—4 & 5 Will. 4. c. 76.—Order—Certiorari—Mandamus.

The Poor Law Commissioners have power under 4 & 5 Will. 4. c. 76. s. 40. to direct the overseers of townships comprised in a union, to meet and appoint a returning officer at the election of guardians for the union.

Orders made by the Poor Law Commissioners cannot in any case be questioned otherwise than by being brought into the Queen's Bench by certiorari (dubitante Cole-ridge, J.)

Mandamus. The writ, after stating the formation of the Oldham Union, and a board of guardians for the same union, set out an order, dated the 15th of November 1845, and directed to the guardians of the said union, to the churchwardens and overseers of the poor of the townships comprised therein, and to the clerks to the Justices of the petty sessions held for the division or divisions in which the said union is situate, whereby after reciting that by reason of default of election, no elective guardians existed in the said union, and that it was necessary that such guardians should be forthwith elected, the Commissioners ordered (amongst other things), that the overseers of the poor of the several townships comprised in the said union should on the 2nd of December then next meet and appoint some fit and competent person, being a barrister-at-law, or solicitor, or attorney, to be the returning officer at such election, and that the overseers of the said townships and every officer having the custody of the rate-books thereof should attend the said returning officer, &c. The writ, after stating a neglect to appoint, commanded the overseers of the said several townships to meet and appoint a returning officer, as directed in the said order. The overseers returned, that the Commissioners did not make the order as suggested in the writ, under the act of parliament; and that

it was not made for carrying the act into execution—[the return also stated various objections to the order, which it is not necessary to notice]. The plea set out the orders referred to in the writ, and there was a demurrer to the plea raising objections to the order.

The defendants' point, upon which the decision turned, was, that the Poor Law Commissioners had no power to make the order set out in the plea, or to direct the appointment of a returning officer as in the order and writ mentioned, and had no power to direct the overseers of the townships of the union to make such appointment.

The prosecutors contended, by one of their points, delivered with the paper books, that the validity of the order could not be questioned collaterally in a proceeding to enforce it, but only upon removal into this court by *certiorari*.

Cobbett, for the defendants.—The main question here is, whether the Poor Law Commissioners had power to order what they have done.

[*LORD DENMAN*, C.J.—How do you answer the objection, that you ought to have quashed the order on *certiorari* ?]

The statute did not mean that orders could be questioned in no other way than upon *certiorari*; section 105. meant only that orders were to be obeyed till legally quashed, but did not limit the mode in which they might be quashed.

[*PATTESON*, J.—It provides that orders shall only be removed into this court by *certiorari*: you must contend that it may be questioned by action in the Court of Exchequer.]

Tomlinson, contra, referred to *The Queen v. the Guardians of St. Luke, Middlesex* (1).

[*COLERIDGE*, J.—Mr. Tomlinson, do you contend that the only mode of quashing an order, whether for want of jurisdiction or otherwise, is by *certiorari* ?]

Tomlinson.—That is the only way, if there is apparent jurisdiction on the face of the order. The object of section 105. was to prevent an interval occurring in the relief of the poor, by an order being bad. An order may be bad in part and good as to the rest, and the bad part might be questioned on *certiorari*.

(1) Lumley, p. 11.

[*LORD DENMAN*, C.J.—I must say I have a very clear opinion on this point. The Poor Law Commissioners have power to make regulations for the relief of the poor; and one of their orders becomes equal to a legislative act, unless previously questioned by *certiorari* in this court. Now, that has not been done in the present case. Perhaps, however, there may be another alternative; and if Mr. Cobbett can shew us that there is something on the face of the order which is not within the powers given by the act, we might be enabled to question it in this way.]

Cobbett.—There is no such officer named in the 4 & 5 Will. 4. c. 76. as a returning officer, and thus the Commissioners have no power to make such an order; section 40, which provides for the election of guardians, does not speak of a returning officer, and section 46. applies to paid officers, who are specified in the interpretation clause (s. 109), and in which a returning officer is not named; the words in sec. 46. "otherwise carrying the provisions of this act into execution" cannot include such an officer.

[*ERLE*, C.J.—Section 40. providing for the election of guardians enacts, that the votes are to be given or taken in writing, collected and *returned* in such manner as the Commissioners shall direct. Does not that give them impliedly a power to direct a returning officer to be appointed ?]

Again, the overseers are not persons whom the Poor Law Commissioners can direct to appoint: they are parish, not union, officers.

LORD DENMAN, C.J.—Mr. Cobbett has stated his view very clearly; but I think he cannot raise the question, whether this case falls within the general provisions of the act or not. The relief of the poor must be carried out, and certain means must be taken to effect that object: and the mode is provided by the orders of the Commissioners. If the means taken are improper, or the orders invalid, they must be questioned in the prescribed mode, by *certiorari*, and not otherwise.

PATTESON, J.—Taking the 40th and 46th sections together it is very clear. By section 40, the Commissioners must have power to declare that a returning officer shall be appointed, and section 40. is large

enough in its terms to include such an officer. Under the general words of this section the Court held that the Commissioners had power to appoint a chaplain (2).

COLERIDGE, J.—As to the first point, I entertain considerable doubt. I think the words of the statute ought to be strong and clear, to take away the right of the subject to question any order of the Commissioners when it is enforced against him; but this is not material to be decided, as this order seems to fall within the provisions of the act.

ERLE, J.—By the express words of section 40. the Commissioners have power to make regulations for carrying the act into effect; that gives them power to direct a returning officer to be appointed. Here they have ordered the overseers of several townships to meet together and appoint such an officer—that is clearly within their jurisdiction, and such an order ought to be questioned on *certiorari*, and no objection can be taken to it except in that mode.

Peremptory mandamus awarded.

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| BAIL COURT. | } | THE QUEEN v. THE JUSTICES OF DURHAM. |
| 1847. | | |
| June 11. | | |

Appeal—Removal—Time.

On the 22nd of April G. G. was removed alone from M. to D, on an order for the removal of himself and family. There was no appeal entered against the order or the removal. G. G. returned to M; and on the 23rd of December, being again chargeable, he was removed with his family to D, under the same order. The overseers of D. entered an appeal against the removal, at the next January Sessions:—Held, that they were too late, and should have appealed to the first Sessions after the order, or after the first removal of G. G.

An order, made by two Justices of the county of Durham, for the removal of George Gansby, his wife, and two children from the township of Merrington to the township of Danby, was served with a copy of the examinations on the overseers of Danby on the 27th of March 1846. The next Quarter Sessions were held on the 6th

of April, and at them no appeal against the order was entered. On the 22nd of April George Gansby was removed alone to Danby, and a certificate of the illness of his wife presented, the order itself not having been formally suspended as regarded her. Shortly afterwards, Gansby rejoined his wife and children at Merrington, and remained there until the 23rd of December, when having become again chargeable he was removed by the overseers, along with his wife and children, back to Danby.

At the ensuing January Sessions, in 1847, an appeal against the removal was entered and respited.

At the Easter Sessions the appeal being called on for hearing, the Court of Quarter Sessions refused to hear it, on the ground that the appellants were too late in entering and respiting at the January Sessions.

Heath (May 7) obtained a rule nisi for a mandamus, calling on the Justices to enter continuances, and hear the appeal.

Granger (June 11) shewed cause.—The appeal was too late. It ought to have been entered and respited at the Midsummer Sessions of 1846, previous to which the order was made, and the husband removed under it. The appellants might then have appealed against the whole order.

The Court called upon—

Heath, in support of the rule.—The appellants have a right to appeal against a part of the order. The grievance was not complete till the removal of the wife and children. Statutes giving appeals being remedial, should be construed liberally. It may be, that although Gansby is settled in the appellant parish, the woman is not his wife or the children are not legitimate. The real grievance arose on the removal of the family, and not on the making of the order itself.

WIGHTMAN, J.—Unless I were satisfied that the Sessions had done wrong, I ought to discharge this rule. I should be going further than any case has yet done, if I were to hold that the appellants were not out of time. They might have appealed against the order, or against the first removal of Gansby; and as they did not do so, I think they are too late.

Rule discharged.

(2) *The Queen v. Braintree Union*, 1 Q.B. Rep. 130; s. c. 10 Law J. Rep. (N.S.) M.C. 76.

1847. } THE QUEEN v. SHIPPERBOTTOM.
May 1. }

Poor Law—Bastardy—Order, Sufficiency
of—8 Vict. c. 10.

An order of affiliation which stated "that S. (the putative father) having been served with a summons, and now appearing in pursuance thereof, and it being now proved to us (the Justices) in the presence and hearing of the attorney attending on behalf of the said S, that the child was born a bastard, &c., and we having, in the presence and hearing of the said attorney attending on behalf of the said S, heard the evidence of such woman, &c., do adjudge, &c.":—Held, sufficient.

The form of order given in the schedule to 8 Vict. c. 10. does not require a statement that the evidence given was on oath. The Queen v. the Justices of Buckinghamshire (14 Law J. Rep. (N.S. M.C. 45,) overruled.

A rule *nisi* had been obtained to quash the following order of Justices, which had been brought up by *certiorari*:—

"Borough of Bolton, in the county of Lancaster, to wit.—At a petty session of her Majesty's Justices of the Peace for the borough of Bolton, in the county of Lancaster, holden in and for the borough of Bolton, in the county of Lancaster, at the police-office, &c., on the 31st of January 1846, before us, Thomas Ridgway Bridson and Edmund Ashworth, Esqs., two of her Majesty's Justices of the Peace for the said borough: whereas, Sarah M'Carnon, a single woman, residing at Great Bolton, within this borough, did, on the 21st of January 1846, having been delivered of a bastard child within twelve calendar months prior thereto, make application to Thomas Cullen, Esq., one of her Majesty's Justices of the Peace acting for this borough of Bolton, for a summons to be served upon one N. Shipperbottom, of Tong-with-Haulgh, in the said borough, tin-plate worker, whom she alleged to be the father of the said child, and that the said Justice thereupon issued his summons to the said N. Shipperbottom to appear at a petty session, to be holden on this day, for this borough, in which the said Justice usually acts, to answer her complaint touching the premises. And

whereas the said N. Shipperbottom having been duly served with the said summons within forty days from this day, and *now appearing* in pursuance thereof, and the said Sarah M'Carnon having now applied to us, the Justices in petty sessions assembled, for an order upon the said N. Shipperbottom, according to the form of the statute, in such case made and provided; and it being now proved to us, in the presence and hearing of *the attorney attending on behalf of* the said N. Shipperbottom, that the said child was, since the passing of an act passed in the eighth year of the reign of her present Majesty, intitled, 'An act for the further amendment of the laws relating to the poor in England,' (that is to say), on the 21st of December 1845, born a bastard of the body of the said Sarah M'Carnon; and we having, in the presence and hearing of *the said attorney attending on behalf of* the said N. Shipperbottom, heard the evidence of such woman, and such other evidence as she hath produced, and no evidence having been tendered on behalf of the said N. Shipperbottom, and the evidence of the said Sarah M'Carnon, the mother of the said child, having been corroborated in some material particular by other testimony to our satisfaction, do hereby adjudge," &c.

The objections made to the order were, that it did not appear that the evidence upon which the adjudication proceeded was given upon oath; and also that it did not appear to have been given in the presence and hearing of the party charged, but only of the attorney attending on his behalf.

Pashley now shewed cause.—The objection is, that it does not appear, on the face of the order, that the evidence was given in the presence and hearing of the defendant, but only of the attorney attending on behalf of him, and that this defect is not cured by 8 Vict. c. 10, as the order does not follow the form given there. As to the other point the rule seems to have been granted on the authority of *The Queen v. Wroth* (1), but that case is overruled by *The Queen v. the Justices of Cheshire* (2), and *The Queen v. the Recorder of King's Lynn* (3), where

(1) 2 Dowl. & L. 729; s.c. nom. *The Queen v. the Justices of Buckinghamshire*, 14 Law J. Rep. (N.S.) M.C. 45.

(2) 15 Law J. Rep. (N.S.) M.C. 3.

(3) 8 Dowl. & L. 725; s.c. 15 Law J. Rep. (N.S.) M.C. 93.

Coleridge, J. observes, that if the case of *The King v. Luffe* (4) had been brought before the Court on that occasion, the decision would have been different. *The Queen v. Wroth* proceeded solely on the authority of cases under the Masters and Servants' Act, which have now been decided to be in the nature of convictions; and although *Paley on Convictions* is there referred to as an authority that orders of bastardy are to be construed like convictions, a reference to that book does not support the statement. *The King v. Bissex* (5) decides the same point. In *The King v. Venables* (6), the Court presumed that a party against whom an order was made had been summoned to appear, which is stronger than the present case. So *The King v. Cleg* (7). This principle of presumption has been applied to the interpretation of adjudications in orders of removal—*The King v. Maulden* (8), *The King v. St. Nicholas, Leicester* (9), *The Queen v. Casterton* (10).

D. D. Keane, contra.—*The Queen v. Wroth* was rightly decided.

[WIGHTMAN, J.—Undoubtedly if *The King v. Luffe* had been then cited I should not have decided against it.]

The King v. Luffe does not dispense with the word "oath;" it only decides that a statement that the evidence was on oath or otherwise will not vitiate. But, secondly, this order is not to the like effect with the form in the schedule to 8 Vict. c. 10, and is not therefore helped by that act. There is a blank left in the form after the word "said," and it cannot be filled up with the words, "attorney attending on behalf of the said N. Shipperbottom," as no attorney has been mentioned before. The statement in this order would be satisfied if the party had appeared in person, and had gone away before the evidence was given, leaving his attorney to attend on his behalf.

LORD DENMAN, C.J.—I was not quite satisfied upon this point, but my Brother

(4) 8 East, 193.

(5) Sayer, 304.

(6) 2 Ld. Raym. 1405.

(7) 1 Stra. 475.

(8) 8 B. & C. 76; s. c. 6 Law J. Rep. M.C. 76.

(9) 3 Ad. & El. 79; s. c. 4 Law J. Rep. (n.s.) M.C. 97.

(10) 6 Q.B. Rep. 507; s. c. 14 Law J. Rep. (n.s.) M.C. 5.

Patteson has discovered another way of looking at this objection. In the form given in the schedule there is subjoined to the words "and having also heard all the evidence tendered by," this note, "Should the defendant appear by attorney or counsel it will be then only necessary to erase the word 'by,' and add 'on behalf of;' but should he not appear himself, or by attorney or counsel, then erase the words in italics:" so that it is plain such a mode of appearing is recognized by the statute. We must therefore suppose that this case occurred, and that the defendant was attending by attorney here.

PATTESON, J.—No. 8 of the forms is the one adopted in the present case, and there is the same note to No. 7; and from this it is quite manifest that the legislature intended that the defendant might appear by attorney.

WIGHTMAN, J.—I had at first some difficulty from its appearing on the face of the order that the defendant appeared, which seemed to mean an appearance in person; but then it is followed up by a statement that the attorney was attending on his behalf: that, I think, explains it. If he did go away after he had appeared, leaving his attorney to attend for him, then, according to the form given in the schedule, the order is sufficient.

ERLE, J.—There is a case in the Exchequer (11) where a similar objection was taken and overruled.

Rule discharged.

1847. }
May 15. } THE QUEEN v. TURK.

*Conviction—Certiorari—Return—Vari-
ance—Evidence.*

A certiorari having issued to the Justices at Quarter Sessions requiring them to return a conviction by A. and B., two Justices assigned to hear and determine divers felonies, &c., of T. T. on the 22nd of September 1846, for certain trespasses and attempts against 7 & 8 Vict. c. 112; the Sessions returned the conviction which had been

(11) Probably *In re Boothroyd*, 15 Law J. Rep. (n.s.) M.C. 57.

filed, and which appeared to have been made by A. and B., two Justices of the borough of N., for a single act of harbouring seamen under that statute, and did not set out the evidence on which it proceeded. On November the 25th, a rule for a concilium was obtained, and the case set down for argument, and the points delivered on the 16th of January. On this day a rule to quash the certiorari, and have the conviction taken off the file and returned to the Justices for the purpose of amending it by inserting the evidence taken, was obtained. The Court, in its discretion, discharged the rule.

The real conviction having been returned by the Sessions, the variance between it and the statement in the certiorari was held to be immaterial.

On January the 16th, a rule had been obtained calling upon the defendant to shew cause why two writs of *certiorari* issued in this prosecution should not be quashed, and the conviction taken off the file of this court and returned to the Justices, or why the conviction should not be taken off the file and returned to the Justices, in order that they may amend the same. It appeared from the affidavits that the defendant was, on the 22nd of September 1846, convicted by J. Hatch and T. Hawkins, Esqs., two Justices of the Peace in and for the borough of Newport in the county of Monmouth, under 7 & 8 Vict. c. 112. ss. 50, 51 (Merchant Seamen's Act) for harbouring seamen who had deserted from a ship called the *Hibernia*. The conviction was drawn up and returned to the Michaelmas Quarter Sessions. On the 17th of November a *certiorari* at the suit of the Attorney General issued, and was served on one of these Justices, to remove the conviction; and on the 21st of November the Justices certified that they had transmitted the conviction to the Quarter Sessions, and returned a copy. On the 3rd of December another rule, at the instance of the Attorney General, and without a rule to shew cause, for a *certiorari*, was obtained; and on the 5th of December the conviction and the record of filing the same at Quarter Sessions were returned to this Court. This second writ of *certiorari* was directed to the keepers of our peace, &c. for the county of Monmouth, and required them to return the

record of a conviction, "by J. Hatch and T. Hawkins, Esqs." two of the keepers of our peace, and our Justices assigned to hear and determine divers felonies, trespasses, and other misdemeanours committed within the said borough of Newport, in our county of Monmouth, of T. Turk, on the 22nd of September last, for certain trespasses and contempts against the form of the statute intituled 'An act to amend and consolidate the laws relating to merchant seamen and for keeping a register of seamen.' The Justices, by virtue of this writ, certified the conviction of which mention was made in the said writ, which appeared to be made on the 22nd of September 1846, by J. Hatch and T. Hawkins, two Justices of the Peace for the borough of Newport, but did not set out the evidence upon which it proceeded. On the 25th of November a rule for a *concilium* was obtained at the instance of the Attorney General; and on January the 15th, 1847, the points for argument were delivered by the defendant's attorney to the agents for the prosecution. The grounds of objection to the conviction was, that it was bad for not setting out the evidence. The affidavit set out the minutes of evidence taken before the Justices on the hearing, which had been omitted to be inserted in the conviction.

Sir J. Jervis (Attorney General) and *Godson* now appeared to shew cause against the rule, but the Court desired to hear

Greaves, in support of the rule.—This case involves a question of very general importance under the Merchant Seamen's Act, and the Court will, in its discretion, grant this application. There is, no doubt, no case directly in point, but the principle of *The King v. Jukes* (1) is clearly applicable. There, a conviction did not recite any information, and after it had been appealed against to the Sessions and there confirmed, and subsequently quashed in this court on *certiorari*, for want of such a recital, the Court granted a rule to amend it by inserting the information, which was shewn to have been properly laid. In *The King v. Barker* (2), Lord Kenyon, C.J., says that Justices may and ought to amend convictions, so as to make them according to the truth. If, instead of a *certiorari*, the

(1) 8 Term Rep. 625.

(2) 1 East, 186.

Court had been asked to grant a mandamus to the Justices to set out the evidence in the conviction, it would have done so—*The King v. Marsh* (3), *In re Rix* (4), *The King v. Warnford* (5). The only limitation to the rule, that a conviction may be drawn up at any time, is that laid down in *Chaney v. Payne* (6)—namely, that a conviction is amendable until declared invalid by a court of competent jurisdiction, either directly or indirectly. He also referred to *The King v. Wakefield* (7), *The King v. Neville* (8), *The King v. Hill Darley* (9), *The King v. the Mayor of Grampond* (10), *Richardson v. Mellish* (11), *The King v. Apsley* (11). Then there is an objection to the form of the *certiorari*, which improperly describes the Justices as Justices assigned to hear and determine felonies, &c., which, as borough magistrates, they have no authority to do. The conviction itself, also, is described as being of certain trespasses and contempts, whereas there is but one act of which the party convicted is guilty. A variance between the *certiorari* and the record returned renders the *certiorari* defective, and Justices are not bound to make a return to it.—*Dalton's Justice*, 674, *The King v. Headingham Sible* (12), *Vin. Abr.* 'Certiorari,' L, pl. 1.

Lord Denman, C.J. suggested that on the first point the Attorney General might consent to the terms adopted in *The King v. Jukes*; but the Attorney General having declined to accede to any terms, was proceeding to argue on this point when he was stopped.

Per Curiam.—On this preliminary point we give our opinion immediately, without prejudice to any objection which may be taken to the *certiorari*. It appears to us that it is too much to ask for the indulgence required by this rule under the circumstances—we do not bind ourselves not

to grant such an application in any case, but we do not think it called for here. As to the necessity of establishing a point of public importance under the Merchant Seamen's Act, which it is said is in the background, and which it is suggested will be left undecided if we refuse to make this rule absolute, if the point should arise again it can be then decided: and there is no comparison, in our opinion, between leaving a point undecided and a party unconvicted in a particular case, and breaking in upon a principle of law. If this party has been improperly convicted, we ought to take care that proper justice is done to him. Here the time which has elapsed from September to May is itself nearly an answer to the application. These gentlemen had plenty of time to set the mistake right which had occurred. On this general ground, we really think that, in the exercise of our discretion, where there is no injustice done we ought not to interfere.

The Attorney General was then heard upon the other point.—The *certiorari* is in the form established for many years. The description given to the Justices cannot affect the writ; and as to the offence being described in the plural instead of the singular, the cases cited upon that are not at all parallel.

[PATTESON, J.—I do not well see how we can quash the *certiorari* for such a reason. The case in *Lord Raymond* only decides that the Justices need not have noticed the writ, but does not go the length of saying that if they return the record in obedience to it, the return is void.]

[WIGHTMAN, J.—Even admitting the *certiorari* to be wrong, still it has had the effect of bringing up the right conviction.]

LORD DENMAN, C. J.—It is quite clear that the form of the *certiorari* is right—it is the usual one, as given in *Corner's Crown Practice*, and adopted in all such cases. Besides, this *certiorari* has produced its effect by bringing up the conviction required, which is stated to be a conviction by the Justices named in the *certiorari*: they might have returned that there was no such conviction, and that they could not obey the writ; but as they have chosen to return what they were called upon for, I think the objection cannot now be taken.

(3) 2 B. & C. 717.

(4) 4 Dowl. & Ry. 352.

(5) 5 Dowl. & Ry. 489.

(6) 1 Q.B. Rep. 712; s. c. 10 Law J. Rep. (N.S.) M.C. 114.

(7) 1 Burr. 485.

(8) 2 B. & Ad. 299; s. c. 9 Law J. Rep. M.C. 107.

(9) 4 East, 174.

(10) 7 Term Rep. 699.

(11) 3 Bing. 334.

(12) Burr. S.C. 112.

PATTERSON, J. — The Attorney General required a *certiorari* to issue to return such a conviction: the Justices return a copy, and the Sessions the record of the conviction. The Attorney General does not object that this is not what he wanted; and now the informer comes and says the conviction returned is not the same as that required. This he obviously ought not to be allowed to do.

WIGHTMAN, J. — Some difficulty might have arisen if the writ had not been obeyed; but as it has, the objection falls to the ground.

Rule discharged.

1847. }
June 4, 24. } THE QUEEN v. DOUGLAS.

Indictment — Statute — Certainty — Receiving Gift by Officer of East India Company — Extortion.

An indictment, under the stat. 33 Geo. 3. c. 52. s. 62, alleged, that the defendant, being a British subject, and exercising an office in the East Indies, and residing there, unlawfully did receive from a certain person, called Sevajee Rajah, a certain sum of money, to wit, &c., as a gift and present:—Held, first, that the offence was well described in the indictment, regard being had to the particular object of the statute, the precise words of which it was sufficient to follow.

Held, secondly, that it was not necessary to allege that the money received was the money of any particular person, or of whom.

Held, lastly, that it was not necessary to aver that the money was received under colour of the defendant's office, or under circumstances of extortion, or to whose use the money was received.

The second count of the indictment stated that Archibald Douglas, Esq., late of, &c. being a British subject, on the 18th of November, A.D. 1839, and for a long space of time then next following, to wit, until the 1st of May A.D. 1841, held and exercised a certain office in the East Indies, under the East India Company, to wit, the office of resident at Tanjore, in the East Indies aforesaid, and during all that time

resided in the East Indies aforesaid, to wit, at London aforesaid, and that the said A. Douglas, so being a British subject as aforesaid, whilst he held and exercised the said office of resident at Tanjore, in the East Indies aforesaid as aforesaid, and whilst he resided in the East Indies as aforesaid, and within six years before the filing of this information, that is to say, on the 1st day of January A.D. 1840, in the East Indies aforesaid, to wit, at London aforesaid, unlawfully did receive of and from a certain person, called Sevajee Rajah, in the East Indies aforesaid, a certain sum of money, that is to say, the sum of 8,000 rupees, being of the value of 800*l.* of lawful money, &c. as a gift and present, against the peace, &c.; and against the form of the statute in that case made and provided; whereby, and by force of the said statute, he the said A. Douglas was guilty of extortion and a misdemeanour, and by force of the said statute forfeited the said sum of 800*l.*, of &c., being the value of the said 8,000 rupees, so received by the said A. Douglas as aforesaid. Third count, for that the said A. Douglas, so being a British subject as aforesaid, whilst he held and exercised the said office of resident at Tanjore in the East Indies aforesaid as aforesaid, and whilst he resided in the East Indies aforesaid as aforesaid, and within six years before the filing of the said information, that is to say, on the day and year last aforesaid, in the East Indies aforesaid, to wit, at London aforesaid, unlawfully did receive of and from the said Sevajee Rajah, in the East Indies aforesaid, a certain other sum of money, that is to say, the sum of 2,000 rupees, being of the value of 200*l.* of, &c., as a gift and present, against the peace, &c., contrary &c., whereby, &c. The fifth, sixth, eleventh, fourteenth, and seventeenth, charged the receipt of the sum of 2,000 rupees. The eighteenth charged the receipt of 10,000 rupees. The nineteenth charged the receipt of 2,000 rupees, under colour of the same being a gift and present. The thirty-seventh charged that he, the said A. Douglas, did receive of and from a certain person in the East Indies, aforesaid, called Appavyah, otherwise called Appavyah Fouzddad, of Poodoocottah, a certain sum of money, that is so say, the sum of 7,000

rupees, being of the value of 700*l.* of, &c., as a gift and present, &c.

The indictment contained forty-three counts, and at the trial a verdict was taken for the Crown on the second, third, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, thirteenth, fourteenth, seventeenth, eighteenth, nineteenth, thirty-seventh, and forty-third; and a *nolle prosequi* was entered to the seventh, eighth, ninth, tenth, thirteenth, and forty-third.

Peacock, in Trinity term, 1846, obtained a rule calling upon the prosecutor to shew cause why the judgment upon so many of the counts of the information as there had not been a verdict for the defendant on, or a *nolle prosequi* entered, should not be arrested, on the grounds, first, that none of the counts shewed that the money was received from the Sevajee Rajah by the defendant under colour of his office, or in consequence of his being an officer of the said East India Company, nor that it was received from a person being a rajah; second, that they did not shew whose money it was that was given to the defendant. He cited *The Queen v. Martin* (1), *Co. Litt.* 368, *b.*

Sir F. Thesiger, Leftus Wigram, and Clarkson (June 3) shewed cause.—It is to be observed, that this information has been framed precisely in accordance with an earlier one on the same statute—*The King v. Stevens and Agnew* (2). In that case the defendants were convicted; and though a motion in arrest of judgment was made on other grounds, this objection was not thought of, and the judgment was sustained. It is said that the 61st and 62nd sect. of 33 Geo. 3. c. 52, are to be read together (3); but

(1) 8 Ad. & El. 481; a. c. 7 Law J. Rep. (n.s.) M.C. 89.

(2) 5 East, 244.

(3) By 33 Geo. 3. c. 52. s. 61, "For preventing the abuses which have formerly prevailed in the collection and receipt of the revenues of the said territories and acquisitions in India, be it further enacted, that every person (being a British born subject) who is or shall be appointed or authorized to collect, manage, controul, or receive the rents, duties, or revenues of and belonging, and due and payable to the said company in India, shall, before he enters upon the collection and receipt thereof, take and subscribe the following oath, &c. :—

"I, A. B, do promise and swear, that I will to the utmost of my endeavours, well and faithfully execute and discharge the duties of an officer of

the 61st section applies to collectors and officers of that description only, while the 62nd applies to all persons holding office and resident in India. It is said, that if the counts of this information are good, a son might be held liable for money a gift from his own father, which the law could not have contemplated. But it is to be remembered that the act must be complete in India. A father in England making remittances to his son in India, would not bring that son within the meaning of the act; but it would be otherwise of a father who held a rajahship in India, and who made a present to his son residing there. It may be true that the oath only alludes to the receiving presents from the particular officers and functionaries mentioned in it, but the 62nd section is in its terms quite general, and the Court can only deal with it as it stands. Secondly, the words "gift or present" sufficiently exclude the supposition of its being the money of the defendant himself; and this distinguishes the case from

revenue, reposed in and committed to me by the United Company of Merchants of England trading to the East Indies; and that I will not demand, take, or accept, directly or indirectly, by myself or by any other person for my use or on my behalf, of or from any rajah, zemindar, talookdar, polygar, farmer, rentar, or ryot, or from any person paying or liable to pay any tribute, rent, or tax, to or for the use of the said United Company, any sum of money or other valuable thing by way of gift, present, or otherwise, over and above, or besides and except the actual tribute, rent, or tax authorized to be taken by and for the use of the said United Company; and that I will justly and truly account for, answer, and pay, all the rents, duties, and other revenues and sums of money which shall come to my hands, or to the hands of any person or persons in trust for or employed by me, as an officer of the revenues of the said company, unto the said United Company.—So help me God."

Section 62. "And be it further enacted, that the demanding or receiving any sum of money or other valuable thing as a gift or present, or under colour thereof, whether it be for the use of the party receiving the same, or for or pretended to be for the use of the said company, or of any other person whatsoever, by any British subject, holding or exercising any office or employment under his Majesty, or the said United Company in the East Indies, shall be deemed and taken to be extortion and a misdemeanour at law, and shall be proceeded against and punished as such, under and by virtue of this act, and the offender shall also forfeit to the King's Majesty, his heirs and successors, the whole gift or present so received, or the full value thereof."

The Queen v. Martin, The Queen v. Parker (4). Besides, by the statute 7 & 8 Geo. 4. c. 64. s. 21, the indictment which is for an offence created by statute, must, after verdict, be held sufficient, as it describes the offence in the words of the statute.

Sir F. Kelly and Peacock, contra.—The question entirely depends on the construction of the statute 55 Geo. 3. c. 52, which was passed to prevent the receipt of money by officers under colour of their office. An officer is not guilty of extortion simply because he receives a present. *The King v. M'Gregor* (5) shews that it is necessary to introduce precise averments to bring offences created by statute within the mischief which the statute meant to remedy. Extortion is the taking by an officer under colour of office—*Co. Lit.* 368, b; and the offence of extortion is aimed at by this statute, which says certain things shall be deemed extortion, and "proceeded against" as such; i. e., "proceeded against" in the ordinary mode of indictment, &c. It would not be sufficient to allege in an indictment the taking or stealing of the goods of another, without saying that such taking or stealing was done feloniously; here, at all events, the indictment might have alleged that the act was done "extorsively," or under circumstances which shewed extortion—*Fletcher v. Calthorp* (6). But, secondly, the information should have shewn whose the money was. If it be said that the word "gift" implies that it was not the money of the defendant, the same might be said of the word "steal"; but in indictments for larceny it is necessary to allege the property to be in some one. It is said that the defect is caused by the statute 7 & 8 Geo. 4. c. 64. s. 21; but *The Queen v. Martin, Pearson's case* (7), *Radcliffe's case* (8), and *Biss's case* (9), completely answer that suggestion. But it cannot be said, that this indictment does pursue the words of the statute. It is not said for whose use the money was received. It might have been received for the use of the company, and all the time it might

have been the company's money. So, if a man received as a gift that which was, in reality, his own money, or money which he considered or which was due to himself, as a gift, it would be no offence. The information does not say that the defendant received a gift, but that he received a sum as a gift. In *The Queen v. Martin*, the words of the statute were stronger, and more closely followed than in the present case—*The Queen v. Parker*, which was recognized in *King v. the Queen* (9), *Sir Wollaston Dixie's case* (10).

Cur. adv. vult.

The judgment of the Court was subsequently delivered by—

LORD DENMAN, C.J.—It appears to us, that we cannot put a reasonable construction upon this statute, without regard to the object of it, the offence which it sought to suppress, and the means which it employs for that purpose. During a long course of years, several acts of parliament shew that the misgovernment of our eastern possessions and the calamities of their inhabitants were considered to have arisen from extortion practised on the natives of all ranks, by colour of office, or from corruption by gifts and presents offered to persons in authority, and received and taken by them. Such offences, in all times and places, but principally and notoriously in distant regions, far removed from the ordinary supervision of law and police, have ever been cloaked in various disguises, in their own nature difficult of detection. In India, where the wealth of the native princes is enormous, their habits in political affairs, like those of their subjects in commercial transactions, very different from all that is avowed by civilized nations, and the peculiar customs of every district such as to afford excuses and covers for corrupt practices, the legislature of England could not have described or known the circumstances under which offences of this kind might have found protection. They would have been unable to devise proper means for preventing evasions of the law, and could not have admitted any exceptions which would not in their operation have

(4) 3 Q.B. Rep. 292; s. c. 11 Law J. Rep. (N.S.) M.C. 102.

(5) 3 Bos. & Pul. 106.

(6) 14 Law J. Rep. (N.S.) M.C. 49.

(7) 1 Moo. C.C. 313.

(8) 2 Ibid. 68.

(9) Ibid. 93.

(10) 14 Law J. Rep. (N.S.) M.C. 172.

(11) 1 Lev. 95.

defeated the principal enactment. But they had power to say to all persons holding office in the East Indies, You shall do so upon condition that you will accept no gift or present while you reside there; and if you receive such gift or present, you shall incur a certain forfeiture.

This is the security taken by the law for the suppression of a hateful and dangerous crime. Nothing short of this could have attained the object. It may possibly extend in its terms to many cases of innocent gifts and laudable presents, with reference to the social relations of men; but not innocent or excusable in one who accepted office under the express condition of declining all gifts and presents, more especially if he be one whose oath of office bound him to the performance of that condition. We think, therefore, that the first objection fails; an offence within the statute being described in the indictment in its very words—the only ones—it is highly probable, in which a European would know how to express it.

The second objection is, that the indictment does not allege in the counts on which the verdict is now entered, that the monies received by the defendant as a gift and present, or under colour of a gift and present, were the monies of any person named in those counts; and we were very much pressed with the authority of the cases of *The Queen v. Martin*, and *The Queen v. Parker*, as shewing the necessity of such an averment, notwithstanding the words of the 7 Geo. 4. c. 64. s. 21, which are, "that when the offences charged has been created by any statute, the indictment or information shall, after verdict, be held sufficient to warrant the punishment prescribed by the statute, if it describe the offence in the words of the statute."

In the case of *The Queen v. Martin*, the offence was created by the statute 7 & 8 Geo. 4. c. 29. s. 53, respecting the obtaining of goods under false pretences. The indictment there certainly described the offence in the words of the statute, that is, the obtaining goods by false pretences. But the indictment was held bad, for not pointing out with sufficient certainty whose goods were so obtained—that is, the person in respect of whose goods the offence was committed was not described, though the

offence was described in the words of the statute: the goods might have been the goods of the defendant himself, consistently with the averments in the indictment, and the Court considered that the statute 7 & 8 Geo. 4. in describing the offence, did not extend to the goods of the party himself.

The case of *The Queen v. Parker* was an indictment at common law, not for an offence created by statute; and, therefore, the 7 Geo. 4. c. 29. did not apply.

Here, the offence is created by the statute 33 Geo. 3. c. 52. s. 62, which enacts, "that the demanding or receiving any sum of money as a gift or present, or under colour thereof, by any British subject holding or exercising any office or employment under His Majesty, or the said United Company in the East Indies, shall be deemed and taken to be extortion and a misdemeanour at law." The words of the statute are pursued in the information in describing the offence, and the only question raised by reference to the case of *The Queen v. Martin* is, whether it is necessary to state whose money was received. Now, we think, that the statement of the defendant receiving a sum of money as a gift or present must exclude the supposition that it was his own money. Therefore, the case of *The Queen v. Martin* is not in point. And with respect to the necessity of the name of the person whose money it was being stated, in order to give the defendant the opportunity of pleading to any subsequent information or indictment, autrefois acquit or convict, we think that he could well plead such a plea, as the present information is framed, by proper averments of identity.

Further, it was urged that as the statute 33 Geo. 3. enacts, that the receipt shall be deemed extortion, such receipt must be shewn on the face of the information to be by colour of the defendant's employment or office, which alone would constitute extortion at common law, for which proposition *Co. Litt.* 368, *b*, was cited. The answer is, that the statute 33 Geo. 3. enacts, that the receipt as therein described shall be deemed extortion, thereby creating a new species of extortion: and if the requisites of common law to constitute extortion were necessary to be shewn, the offence would be one at common law, and not the new species of extortion created by the statute,

which would in effect be to render the statute wholly inoperative.

When, indeed, a statute created a felony, as in the case of embezzlement, the proper word of the act, "feloniously," must be used in the indictment to give the offence that character in the eyes of the law, and to attach the legal consequences to it. But this statute does not require any such word of art, for the reasons already stated.

Further, it was urged that the information does not shew for whose use the money was received; but the words of the statute are, "whether it be for the use of the party receiving the same, or for or pretended to be for the use of the said company, or of any other person whatsoever," which words make it quite immaterial for whose use the money was received; and, consequently, no averment in that respect can be necessary.

For these reasons, we are of opinion that the objections raised in arrest of judgment cannot prevail, and that judgment must be given for the Crown.

Rule discharged.

1847. } THE QUEEN v. THE INHABITANTS OF BANGOR.
April 28. }

Settlement, Derivative—Relief—Emancipation.

It appeared on the face of the examinations that the pauper was fifty-three years of age, that he married in 1812, and had never done any act to gain a settlement. That in 1824 the pauper's father, whilst residing in parish B., was relieved by parish L.:—Held, not a sufficient statement of evidence of a derivative settlement of pauper in L., and that the case was not helped by evidence given at the Sessions, that in fact the father before 1812 and always afterwards had resided out of parish L.

Upon an appeal against an order of Sessions for the removal of Robert Griffiths and Rosa his wife, from the parish of Bangor, in the county of Carnarvon, to the parish of Llandurog in the said county, the Sessions quashed the order, subject to the opinion of this Court, on a case which set out the examination of R. Griffiths, who stated: "I am about fifty-three years of age; when I

was a child I lived with my father Griffith Roberts at Leamnachraith, in the county of Anglesea. I left my father's house when I was about eight years old, and went into service in the parish of Leamnachraith, but I never was in any service anywhere under a yearly hiring, or did any act whatever whereby to gain a settlement in my own right. In or about the month of April 1812 I was married by banns at the parish church of Bodedern to my present wife Rosa, by whom I have five children," &c. Catharine Owen stated: "I am about sixty-six years old. In or about the month of November 1824 I was married by banns in the parish church of Llechlched, in the county of Anglesea, to G. Roberts of Bodedern, in the said county of Anglesea, labourer. I was his second wife, and he had then five children living, namely, four sons and one daughter by his first wife; the sons' names were Robert (the examinant R. Griffith), William, Owen, and John, and the daughter Ann. After our marriage we lived at Bodedern, and my said husband died in the parish of Bodedern about five years and a half after our marriage. Soon after we were married, my said husband, being lame and unable to work, applied to the overseers of the parish of Llandurog, in the county of Carnarvon, in which parish his settlement was, for relief, which was granted him, and he continued to receive it until his death. I used to go to the parish officers at Llandurog for it, and was paid first at the rate 1s. a week, afterwards at the rate of 1s. 6d., and afterwards at the rate of 2s. a week. During the whole of the time my said husband was so relieved by the said parish of Llandurog he was residing in the said parish of Bodedern." Among the grounds of appeal was the following:—That it appears on the face of the examination of the said Robert Griffith, that he, the said R. Griffith was married to his said wife Rosa, and accordingly emancipated from his father, before the relief referred to and mentioned in the said examination of the said Catherine Owen was given or paid to her. That the examinations do not contain sufficient legal evidence to shew or prove that the said Robert Griffith and Rosa his wife, or either of them, were or are legally settled in Llandurog. Upon the hearing of the appeal the appellants objected that the exa-

minations were insufficient to support the order upon the grounds stated in their notice of appeal. The Court overruled the objection, and the hearing of the appeal was proceeded with; and it was then proved by the respondent's witnesses that R. Griffiths, the pauper's father, had resided out of the parish of Llandurog for many years previous to the pauper's marriage in 1812, and ever afterwards. Relief given by the parish of Llandurog to the pauper's father in 1824, while residing out of that parish, was also proved, and the Court quashed the order subject to a case for the opinion of the Court of Queen's Bench, first, whether the examinations were sufficient to support the order of removal, and (if they were sufficient) secondly, whether, under the circumstances before stated, the pauper is entitled to a settlement in the parish of Llandurog, as derived from his father. In case the Court of Queen's Bench should be of opinion that the examinations were insufficient to justify the making of the order of removal, or that the pauper is not entitled to the settlement, then the judgment of the Sessions to be confirmed; if otherwise, the order of Sessions to be reversed and the order of removal confirmed.

Townsend, in support of the order of Sessions.—The defect here appears on the face of the examination, and it is no answer to the objection to say that such defect was supplied by evidence at the Sessions. In *The Queen v. the Inhabitants of Lilleshall* (1) the question of emancipation was left uncertain: here it is distinctly proved.

W. Yardley, contra.—The Sessions were right in holding the examinations sufficient. *Prima facie*, the pauper's father never had any other settlement but Llandurog. If any other had been gained by him between 1812 and 1824 the appellants should have shewn it.

[WIGHTMAN, J.—If this is a question of time, you should shew facts to bring yourself within the right time.]

According to the judgment of Patteson, J. in *The Queen v. the Inhabitants of Lilleshall*, the Court will not presume a settlement in any but the relieving parish.

[PATTESON, J.—The examinations here leave a blank as to the father's residence for twelve years.]

(1) 14 Law J. Rep. (N.S.) Q.B. 97.

The family may have been settled for many generations in the parish, and there may be no means of proving how the settlement was first acquired. *The Queen v. the Inhabitants of Brighthelmstone* (2) is in favour of the respondents.

[LORD DENMAN, C.J.—Could you contend that a certificate was evidence of a settlement acquired a hundred years ago?]

The appellants might have met it by distinct proof.

LORD DENMAN, C.J.—They had no case to meet on the examinations, and were therefore not called upon to prove anything.

PATTESON, J., WIGHTMAN, J., and ERLE, J. concurred.

Order of Sessions confirmed.

1846. }
May 1. } THE QUEEN v. WOODROW.

Excise Acts — Notice of Appeal from Decision of Justices.

Upon the hearing before Justices of an information for penalties, the officer of Excise, by whom the information was exhibited, was absent, and the case was conducted by another officer of Excise. There being an appeal on the part of the Crown to the Quarter Sessions, under 7 & 8 Geo. 4. c. 53. s. 82,—Held, that the notices of appeal, required by the 83rd section of that act, might, by virtue of the 4 & 5 Will. 4. c. 51. ss. 22, 23, be signed by the officer who was present conducting the case.

Under the 5 & 6 Vict. c. 93. s. 3, a dealer in and retailer of tobacco is liable to the penalty of 200l. for having in his possession adulterated tobacco, although he had bought it as genuine, and had no knowledge or reason to think that it was not so.

This was an appeal from the judgment of two Justices of the Peace for the borough of Great Yarmouth, in the county of Norfolk, upon an information exhibited by order of the Commissioners of Excise, by William Hedges, officer of Excise in the said borough, against Nevill Fuller Woodrow, a licensed dealer in tobacco by retail,

(2) 14 Law J. Rep. (N.S.) M.C. 137.

keeping a shop within the said borough; which information was for the forfeiture of 200*l.*, for that, before and at the time of the committing of the offence thereafter mentioned, he (Woodrow) was a dealer in tobacco; and that, being such dealer in tobacco at Great Yarmouth, on the 28th of September 1844, at &c. he had in his possession 54*lb.* weight of manufactured tobacco (not being roll tobacco), to wit, cut tobacco, which tobacco had then and there added thereto, and mixed therewith, certain other materials and things and matter than water only, that is to say, sugar, molasses, and other saccharine matter, to the said William Hedges unknown, contrary, &c.: whereby, &c.,—and also for the forfeiture of the tobacco.

The information was heard on the 25th of March 1845, before William Henry Palmer, Esq., the then mayor, and William Yetts, Esq., two of Her Majesty's Justices for the said borough, and was by them dismissed. William Marks, an officer of Excise, was present before the magistrates to conduct, and did conduct the case, on behalf of the Excise; Hedges, the officer by whom and in whose name the information had been exhibited, not being present on its being dismissed. Notices of appeal, signed by the said Marks, in his own name, and not as the agent of Hedges, were served upon the Justices and the respondent; and in due time notice of trial of the appeal at the sessions was served, which was signed by Hedges. At the trial of the appeal, at the Quarter Sessions held for the said borough, on the 24th of June 1845, it was objected by the counsel for the respondent, that due notice of appeal and of the trial had not been given, the first notice being signed by Marks and the second by Hedges. The Court overruled the objection, reserving the point.

Upon the merits being gone into, the Court found that the respondent was a licensed dealer in tobacco by retail, and that he kept a shop in Great Yarmouth; and that, upon the 28th of September 1844, an officer of Excise had seized in the respondent's shop, in a drawer where he kept his tobacco for the purposes of sale, fifty-four and a half pounds of manufactured tobacco, which on being subjected to the usual tests, was found to have added

thereto and mixed therewith four per cent. of saccharine matter; that the adulteration had been made in the course of the manufacture, and not afterwards; and that the respondent had purchased the tobacco of a manufacturer as genuine tobacco, and believed that the tobacco seized was genuine, and that he had no knowledge nor cause to suspect that the tobacco he so purchased, and which was seized, had any saccharine matter added to or mixed therewith, or that it had been manufactured in any other way than as directed by law.

The Court of Quarter Sessions dismissed the appeal, subject to a case for the opinion of the Court of Exchequer, upon two points: first, whether the notices of appeal and trial were sufficient; second, whether the respondent had been guilty of the offence charged in the information.

The judgment of the Quarter Sessions was to be quashed or confirmed, as the Court might decide upon the above questions. If the order of Sessions should be quashed, then the respondent was to be convicted in the mitigated penalty of 50*l.* and the tobacco seized was to be forfeited.

J. Wilde, for the Crown.—First, as to the sufficiency of the notice of appeal. The act of parliament under which these proceedings were taken is the General Excise Regulation Act, 7 & 8 Geo. 4. c. 53; the 82nd section of which gives an appeal to any officer who shall exhibit any information, &c. before any Justice or Justices of the Peace, who shall feel aggrieved by the judgment given therein by such Justices, "*upon giving such notice as hereinafter mentioned.*" Then section 83. points out what notices shall be required to be given by the appellant party. It says, "that no such appeal as aforesaid shall be allowed, unless the party or parties appellant shall, at and immediately upon the giving of the judgment appealed against, give notice in writing of such appeal to the Commissioners of Excise or Justices of the Peace respectively, from whose judgment such appeal shall be made, and also to the adverse party or parties in such appeal, and shall lodge such notice at the office, or with the registrar of the Commissioners of Appeal, or with the clerk of the peace for the Sessions." It therefore requires three notices of appeal—one to the

Justices; another to the defendant or other adverse party, and the third to be lodged in the office of the clerk of the peace; and these three notices are to be given at the time when the judgment of the Justices is given. It then goes on to provide, "that no such appeal as aforesaid shall be heard, unless the party or parties appellant shall, within one week at least before such appeal is to be finally adjudged and determined, give notice in writing to the adverse party or parties in such appeal, of the time and place where such appeal is to be heard." In this case the three notices required by the earlier parts of the section were given, not by the officer Hedges, by whom the information was exhibited, who was then absent, but by another officer who was present conducting the proceedings. The other notice was signed by Hedges. Now, there are several sections in another act relating to the Excise, the 4 & 5 Will. 4. c. 51, which contemplate and provide for the absence at the time of the hearing before the Justices of the officer who filed the information. The 22nd section of that act provides, "that where, in any case, any information for the recovery of any penalty incurred, or for the condemnation of any goods, &c. forfeited under any law or laws relating to the revenue of Excise, shall, by order of the Commissioners of Excise, be exhibited before the Commissioners of Excise, or any Justice or Justices of the Peace, and the officer of Excise by whom or in whose name such information shall be exhibited shall die, or be removed or discharged, or at the time of the hearing may be absent, such information shall not, by such death, removal, or discharge, or by the absence of such officer, abate or be discontinued, but all the proceedings on such information shall be continued, and may be proceeded in by any other officer, in the name of the officer by whom the same shall have been exhibited," &c. The object of this enactment obviously was, that the proceedings should not drop on account of the particular officer being necessarily absent. It will probably be said, that Marks ought at all events to have signed the notices in the name of Hedges. But the next section of the same act, (s. 23.) provides, "that if there shall not be twenty days between the time

of any judgment being given by any Justice of the Peace, or any information exhibited to them, and the next general Quarter Sessions of the Peace, and the party against whom such judgment shall be given shall appeal against the same, then such appeal may be to the Quarter Sessions next after the expiration of twenty days from the time of giving such judgment." That is a distinct provision, and does not interfere with what follows; "and *any notice of appeal* shall be given by any officer of Excise who shall attend and conduct the proceedings on the part of the revenue of Excise, notwithstanding such officer may not be the officer named in the information as informing or exhibiting the same." And this is quite reasonable; because, as the notices of appeal are to be given at the moment, they must necessarily be given by the officer who is there conducting the case. Then, with respect to the subsequent notice, it cannot follow, because he signs those notices, being present at the time, that he is then bound to sign the other. Moreover, this is not a point which can properly be reserved for the opinion of this Court. The 7 & 8 Geo. 4. c. 53. s. 84. empowers the Commissioners of Appeal and Quarter Sessions to state specially, for the opinion and direction of this Court, "*the facts of any case* in which such appeal shall be made." Here the party attended, and the appeal was fully heard. If the notice of trial was not sufficient, the appeal was not properly before the Sessions, and the learned Recorder had no power to state a case.

[ALDERSON, B. — A mandamus would have been the way to raise this point.]

The Court of Quarter Sessions has power, under section 82, to rectify all defects of form; and here this defect, if it was one, has been rectified in effect by hearing the appeal notwithstanding, as if the notice were valid.

The second question is, whether the respondent had been guilty of the offence charged in the information. That depends entirely on the construction of the statute 5 & 6 Vict. c. 93. The information states, that the defendant had in his possession 50lb. weight of manufactured tobacco, to wit, cut tobacco, which tobacco had then and there had added thereto and mixed therewith certain materials and things other than water, namely, saccharine matter. The

offence charged, therefore, is, that a retailer of tobacco had in his possession tobacco which had been manufactured with something else than water. Now, the preamble of this act of parliament, after reciting the passing of the 3 & 4 Vict. c. 18. goes on—"And whereas the practice has greatly increased of introducing in the manufacture of tobacco and snuff various articles other than tobacco, either as substitute for tobacco or snuff, or to increase the weight of tobacco or snuff, by which practice the duties on tobacco are greatly injured, and the revenue further damaged by drawbacks being obtained on adulterated tobacco; and it is therefore expedient and necessary, for protection of the revenue, to make further provision than is contained in the said recited act for preventing such evil practice, and to amend the said recited act: be it, therefore, enacted," &c. The present act, therefore, was passed with the view of making more stringent measures than existed before for the protection of the revenue. Then the third section, on which this information is framed, enacts, "That every manufacturer of, dealer in, or retailer of tobacco, who *shall receive or take into or have in his possession*, or who shall sell, send out, or deliver any tobacco or snuff which shall have been manufactured with, or shall have added thereto, or mixed therewith, or into or amongst which there shall have been put, either before or after being manufactured, or in which there shall be found on examination thereof, any other material, liquid, substance, matter, or thing than, as respects tobacco, water only," shall forfeit 200*l.* This is an enactment addressed not to the public generally, but only to the persons carrying on this exciseable trade; and it does not contain the word "knowingly," or any other words importing that a *scienter* must be proved. The case of *The Attorney General v. Lockwood* (1) is in point. The object of the legislature clearly was to prevent persons carrying on an exciseable trade from having in their possession at all certain articles which they knew to be used for adulterating the articles in which they dealt. For the same reason, by the Customs Act, there is an absolute prohibition on the importation of spirits in casks above a cer-

tain size. This act meant, therefore, to cast upon the dealer the responsibility of shewing that the tobacco which had come into his possession was unadulterated.

[POLLOCK, C.B.—He is bound to know it. He has his remedy against the manufacturer who supplied him with the article.]

There was a case cited at the Sessions, of *The King v. Marsh* (2). That was the case of a conviction, by two Justices, of the defendant, as a common carrier, for having in his possession pheasants and partridges, contrary to the Game Act. The defence was, that the basket of game was put upon his cart, and that he knew nothing of it until the end of the journey; but he was notwithstanding held to be liable, and the information to be sufficient, although it did not aver that the defendant had the game in his possession *knowingly*, the statute not containing that word.

[ALDERSON, B.—Can anybody be said to have anything in his possession which he does not know of?]

There can be no doubt that, in that sense, the defendant had this tobacco in his possession knowingly; and the only question is, whether he knew it was adulterated. The 1st section of this act of parliament provides, by a penalty of 300*l.*, against the very offence which, if the defendant's construction be correct, is the offence mentioned in the 3rd section, namely, the using or permitting the use of adulterated articles.

[ALDERSON, B.—That seems only to apply to cases where the retailer, having proper tobacco in his possession, adulterates it, or permits it to be adulterated, while it is in his possession.]

It would seem also to apply to the case of ordinary tobacco adulterated.

[POLLOCK, C.B.—Unless it applies to every case, your argument from it fails.]

Crompton, contra.—First, as to the question, whether this case amounts to an offence within the statute. It is clear that this defendant is *morally* innocent, and he has been pronounced to be so by two several tribunals. Then the question is, whether there must not be some limitation put upon the general words of this act, in order to exclude such a case; viz. that the tobacco shall be in some way or other *unlawfully* in

(1) 9 Mev. & Wels. 378.

(2) 4 Dowl. & Ryd. 260.

the possession of the party. The principle is familiar, that in all criminal and penal cases, unless the party be *guilty*, unless there is something wrong in the transaction, there is no offence or crime. Is the party to be liable to this heavy penalty, if he have in his possession an ounce of tobacco which, by any carelessness may have a grain of saccharine matter in it, which may even have been poured upon it by the informer himself, or by a shopman or apprentice from malicious motives? The word "unlawfully" may reasonably be imported into the statute, to prevent so monstrous an interpretation.

[POLLOCK, C.B.—There can be no doubt that every stringent law, which is made for the purpose of working some great public good, will be attended with frequent cases of hardship, and sometimes with cases of apparently great injustice. That, however, is a matter for the consideration, either of those who make the laws or of those who call for the execution of them. Suppose it a case, not of protecting the revenue, but of protecting the public health, or where the Beer Act forbids persons to have certain things in their possession at all. So, you are not allowed to have Bank paper in your possession: it is so dangerous that any person should be allowed to have it, that it is absolutely prohibited.]

There, the parties are wilfully disobeying the act of parliament.

[POLLOCK, C.B.—So you are here wilfully disobeying the act of parliament, if you do not take due pains to examine the article in which you deal, and to ascertain, before you receive it, that it is of a character which the law permits you to have.]

That might require a nice chemical analysis.

[PARKE, B.—You must get some one to make that nice chemical analysis, or you must rely upon the manufacturer or dealer who sells to you, and take your remedy against him. You may take a warranty from him that it is lawful tobacco. There are very ample reasons for these provisions of the act, on account of the difficulty in convicting in such cases.

[ROLFE, B.—The power given by the 28th section to the Commissioners of Excise, to forbear to prosecute where it shall appear to their satisfaction that any penalty or for-

feiture was incurred "without any intention of fraud, or of offending against this act," shews plainly that the forfeiture may be incurred though the party was morally innocent.]

Secondly, the notices were informal. The appeal against the order of the Justices or commissioners is the creature of the act of parliament, and is given only to a particular person, namely, the officer who exhibited the information; and it is only, therefore, on *his* giving due notice of the appeal that it can lawfully be entertained. Everything must be done which the act says shall be done, in order to give the Court jurisdiction to hear it. Nor is this a defect of form in the information or proceedings, which can be rectified by the court of appeal; it is a defect which is of the very essence of the proceedings by way of appeal, for it becomes thereby an appeal by the wrong person. And by section 83. there can be no such amendment, because there is not to be any such proceeding on appeal at all, unless the notices are regularly given by the party or parties appellant. Here, Hedges was the party appellant, and the notices were not given by him, nor does the 22nd section of the 4 & 5 Will. 4. c. 51. alter the case; the substituted officer may, in the cases there provided for, continue the proceedings, but he must do so by giving the notices in the name of the officer who exhibited the information. With respect to the 23rd section, it appears to apply throughout to the case mentioned in the beginning of it, viz. where there is not time to give the twenty days' notice of appeal before the next sessions after the giving of the judgment by the Justices.

[PARKE, B.—It says, "*any* notice of appeal,"—that is general.]

Then it should be given in the name of the original officer, according to the 22nd section.

[PARKE, B.—All the formal proceedings go on in the name of the officer by whom the information was exhibited, but the case may be in fact conducted by another officer; then the act goes on to say, that any notice of appeal may be given by that officer. Here, the notices themselves shew that this is a proceeding to which Hedges is a party. The notices have in effect been given in his name.]

POLLOCK, C.B.—There are two questions submitted for the opinion of the Court in this case. The first is, whether the notices of appeal were sufficient. It appears that the informer was absent; Marks, who was present, and conducted the proceedings on behalf of the Excise, being dissatisfied with the judgment of the magistrates, gave notice of appeal, signed in his own name; adding to that, that he was the officer of the Excise attending and conducting the proceedings in this case on the part of the Commissioners of Excise, and stating that William Hedges felt himself aggrieved by the judgment. And the notice leaves no doubt what were the proceedings appealed against, because it says, "I shall appeal and do appeal to the General Quarter Sessions of the Peace, to be holden next after the expiration of twenty days from the date hereof, in and for the borough of Great Yarmouth, in the county of Norfolk, from the judgment given this day by William Henry Palmer and William Yetts, Esqs., being two of Her Majesty's Justices of the Peace for the borough of Great Yarmouth, in the matter of an information exhibited on behalf of Her Majesty, as well as for himself, by one William Hedges, officer of Excise, against you, for the recovery of the penalty of 200*l*." I am of opinion, that, under the sections referred to by Mr. Wilde, of the 4 & 5 Will. 4. c. 51, the information may be continued, notwithstanding the absence of the officer; and if it were necessary to decide that the notice should be in fact in the name of William Hedges, I think it would be sufficient for this purpose: but I think the 23rd section, containing this passage, "and any notice of appeal shall be given by any officer of Excise who shall attend and conduct the proceedings," does not apply merely to the case where there are not twenty days between the time of judgment being given by the Justices and the next Quarter Sessions of the Peace, but applies to all cases where notice is required to be given. I am, therefore, of opinion that the notices, in this case, of appeal and trial are sufficient. The notice of trial is by Hedges himself. Then the next question is, whether the respondent has been guilty of the offence charged in the information. It appears to me, that, in this case, it being within the per-

sonal knowledge of the party that he was in possession of the tobacco, (indeed, a man can hardly be said to be in possession of anything without knowing it), it is not necessary that he should know that the tobacco was adulterated. For reasons probably very sound, and not applicable to this case only, but to many other branches of the law, persons who deal in an article are made responsible for its being of a certain quality. If this were the case of provisions, or of any matter that affected the public health, it would not be at all unreasonable to require persons dealing in them to be aware of their character and quality, and to be responsible for their goodness whether they know it or not; they are bound to take care. It appears to me that the section referred to, which creates this offence, namely, the 3rd section of the 5 & 6 Vict. c. 93, applies to this case, whether the party knows it or not. The section pointed out by my Brother Rolfe, in the course of the argument, strongly confirms that, if it were necessary to have any confirmation in addition to the express language of the section itself. It may be said, that in this particular instance it works a great hardship, because it is expressly found, I may take it, that the magistrates, who in the first instance dismissed the information, and the Court of Quarter Sessions, who decided in favour of the defendant, were of opinion that he personally had no knowledge of this violation of the law. If the law in a particular case works any hardship, it is either for the legislature to alter the law, or for the executive department of this branch of the revenue law to abstain from calling for the enforcement of the statute. But if we are called upon to put our construction upon it, I believe we are all of opinion that the due construction of the 3rd and 4th sections is, that this tobacco was forfeited, and that the party is liable to the penalty, whether he is or is not aware that the commodity has been adulterated in the manner in which this turns out to be. In reality, a prudent man who conducts this business will take care to guard against the injury he complains of, and which Mr. Crompton says he has a right to complain of, and he would not be exposed to it. If he examines the article, he may reject it, and not

keep it in his possession ; or if he is incompetent to do that, he may take a guarantie that shall render the person with whom he is dealing responsible for all the consequences of a prosecution. There was another point made by Mr. Wilde, upon which I abstain from offering any opinion. I should be very sorry unnecessarily to say, that this Court would give effect to a conviction, where there had been notices given before the magistrates, but where really, from the nature of the notices, the Sessions had no right to entertain the case at all. It does not appear to me to be necessary to remark upon that part of the case. I think the notices which were delivered are sufficient within the statute, and that the offence against which the clause of the act is directed is fully brought home to the defendant.

PARKE, B.—I quite agree with my Lord Chief Baron in everything he has said upon this subject. I hardly think it necessary to add a word to what he has said as to the notices. There is a satisfactory answer given to the objection, by looking at the two sections of the 4 & 5 Will. 4. ss. 22, 23. Those sections appear to me to give a full answer to the objection. As to the notice of trial, that is strictly according to the original act upon which the appeal was brought. With respect to the offence itself, I have not the least doubt that the ordinary grammatical construction of this clause is the true one. It is very true that in particular instances it may produce mischief, because an innocent man may suffer from his want of care in not examining the tobacco he has received, and not taking a warranty ; but the public inconvenience would be much greater if in every case the officers were obliged to prove knowledge. They would be very seldom able to do so. The legislature have made a stringent provision for the purpose of protecting the revenue, and have used very plain words. If a man is in possession of an article as the defendant was in this case, and that article falls within the terms mentioned in the statute, there is no question but that the offence is proved. If there is any hardship in the case, it does not rest with those who have only to carry the law into effect, to remedy it. There is a provision referred to by my Brother Rolfe, which enables the

Commissioners to meet such a case. I have not the least doubt that the defendant has been guilty of the offence described in the 3rd section. With respect to the other point referred to by the Lord Chief Baron, as to whether the Quarter Sessions reserve to us the question as to the validity of these notices, it is unnecessary to give an opinion upon it.

ALDERSON, B.—I am of opinion that the notices are quite sufficient. They are given by Marks, as the officer of Excise conducting the case. The notice states that it relates to an information exhibited by Hedges in respect of himself and for the Queen, and it states that Hedges feels himself aggrieved by the decision. Surely these things put together are sufficient, in a case, too, in which the notices are not to be set aside, but are to be amended in all matters of form. Marks acts under the provisions of the act, by which one officer, in the absence of another, is empowered to act for that other officer. But I think the 23rd section relieves us from any difficulty which might arise upon that. The notices are therefore quite regular, and the judgment of the Court was right on that point. As to the merits of the case, I think the Court was wrong ; because the words of the act, though they are, no doubt, very stringent, are nevertheless very clear ; and any retailer of tobacco, who has an adulterated article in his possession is liable to the penalty. I cannot say that this man had not the tobacco in his possession, because he clearly knew it. He did not know it was in an adulterated state, but he knew he had it in his possession ; and the question of " knowingly," it appears to me, is involved in the word " possession." That is, a man has not in his possession that which he does not know to be about him. I am not in possession of anything which a person has put into my stable without my knowledge. It is clear, therefore, that possession includes a knowledge of the facts as far as the possession of the article is concerned.

ROLFE, B. concurred.

Judgment for the Crown.

1847. { THE QUEEN V. ST. GEORGE
May 1, 27; { THE MARTYR, SOUTHWARK,
July 7. { (BETHLEM HOSPITAL.)
 { THE QUEEN V. THE SAME,
 { (BRIDEWELL HOSPITAL.)

Poor Rate, Liability to—Public Charitable Institution — Bethlem Hospital — Bridewell Hospital—Royal Foundation.

Bethlem Hospital is an institution for the reception and cure of poor lunatics, and by charter 38 Hen. 8. the mayor, &c. of London are constituted trustees, keepers, and governors of the hospital, and pursuant to statute 50 Geo. 3. c. cxviii. certain lands held by them in the parish of G. were demised to trustees, and a new hospital, for the reception of lunatics, erected thereon. The hospital is for the reception of indigent lunatics, as many of whom are admitted as the building will hold; but none possessed of any estate or money sufficient to maintain them elsewhere are received. The patients are provided with maintenance, medicine, and every necessary, except clothing, for twelve months or more, free of all charge; if not cured, then they are admitted into the incurable class, for some of whom their friends or the parish officers make payments towards their maintenance, but in no instance sufficient to afford any profit to the hospital. Part of the hospital is appropriated to the reception of criminal lunatics, detained under warrant from the Crown, and under the controul of and paid for by government. All the funds of the hospital (including the sums paid for the incurable patients, and by government for the criminal patients) are applied to the general objects of the charity. The governors derive no emolument at all from the hospital.

Bridewell Hospital was instituted by charter of Edw. 6. for the purpose of harbouring, correcting, and employing destitute persons and vagabonds, and was granted to the mayor, &c. of London, who were directed to commit destitute persons and vagabonds to the house of occupations in Bridewell, which they were ordered to erect, and to make rules for their government. A house of occupations was erected on lands situate in the parish of G, and demised to trustees for that purpose; and has ever since been used for the reception of destitute persons, vagabonds, &c. of both sexes, from any place whatever, found

in London, Middlesex, or part of Surrey, who are maintained entirely at the charge of Bridewell Hospital, and are employed as directed by the charter, in "learning and exercising honest sciences and occupations."

The raw materials necessary for exercising the trades practised are bought by the governors of the hospital, and manufactured by the inmates; such articles as are not required for consumption in Bridewell and Bethlem Hospitals are sold, and the proceeds form part of the general fund for purchase of other materials to be manufactured, and no profit is made by such sale. All the funds of Bridewell Hospital are applied solely for the purpose of the charity, and the governors derive no profit therefrom whatever:—

Held, that the occupation by the corporation of London of Bethlem Hospital and of the house of occupations was for public purposes only, and not a beneficial occupation, and that they were not rateable under a local act, which imposed a rate upon all persons who should hold, use, occupy, or possess land, &c. in the parish of G.

The mayor, commonalty, and citizens of the city of London, having been assessed to a rate for the relief of the poor of the parish of St. George the Martyr, Southwark, made under the local act 50 Geo. 3. c. xlv., "for better assessing and collecting the poor and other rates in the parish of St. George the Martyr, in the borough of Southwark, in the county of Surrey, and regulating the poor thereof," as occupiers of certain buildings and ground, called Bethlem Hospital, situate in the said parish, and also in a separate assessment, as occupiers of the house of occupations, situate in the said parish, appealed to the Quarter Sessions, holden for the county of Surrey, on the 8th of April 1846, against the said rate, when the Sessions allowed the said appeals, and ordered the rate to be amended by striking out the names of the said appellants therefrom in both instances, subject to the opinion of this Court upon the following CASES (1).

(1) The local act, 50 Geo. 3. c. xlv., was appended to the cases, and the two following sections, which alone were material to the decision, inserted therein:—

Section 1. empowering the churchwardens and overseers of the parish of St. George the Martyr to rate all persons "who should inhabit, hold, use,

CASE OF BETHLEM HOSPITAL.

Bethlem Hospital was instituted for the reception, maintenance, and cure of lunatics, and is still so employed. By letters patent of 38 Hen. 8, the custody, order, and government of Bethlem Hospital, then situate in the city of London, and its appurtenances, were given and granted to the mayor, commonalty, and citizens of London and their successors, and the said mayor, commonalty, and citizens, and their successors, were thereby constituted masters, keepers, and governors of the said hospital.

By letters patent of Edw. 6, dated 23rd of April 1550, the said mayor, commonalty, and citizens were seised in fee of certain lands in St. George's Fields, in the said parish of St. George the Martyr.

By 50 Geo. 3. c. cxviii. the mayor, commonalty, and citizens aforesaid were empowered and directed to demise the said last-mentioned lands in St. George's Fields to trustees for the governors of the said hospital of Bethlem upon condition, and the said act authorized and directed, that the said governors should erect thereon a new hospital for the reception of not less than 200 lunatics, in lieu and instead of the hospital then situate near Bishopsgate.

occupy, possess, or enjoy any land, ground, house, shop, warehouse, storehouse, cellar, coach-house, stable, vault, building, tenement, hereditaments, or premises, or the landlords, owners, lessee or lessees thereof respectively, for and in respect of such land, ground, &c., at and by a fair equal pound rate upon or according to the annual rent or value thereof respectively, and not otherwise, except as hereinafter enacted."

Section 28. "Whereas there are a great number of charitable institutions and societies within the said parish in which many children are kept as apprentices or otherwise, and wherein many other persons are employed, and which institutions and societies do not contribute anything to the exigencies of the said parish; therefore be it further enacted, that no person shall gain, or be deemed or adjudged to gain or acquire a settlement in the said parish of St. George the Martyr by reason or means of any occupation, residence, hiring, service, or apprenticeship in or to any of the public schools, hospitals, asylums, reforms, or other charitable institutions or societies, now or which shall hereafter be situated, established, or be within the said parish, or to any person or persons residing or dwelling within the said parish, with or to whom he, she, or they may be bound, placed, or put out by the governors, managers, directors, or servants of any or either of such schools, hospitals, asylums, reforms, or other charitable institutions or societies."

By indenture, dated the 11th of July 1810, the said lands in St. George's Fields were demised in pursuance of the said act of parliament to trustees, for the said mayor, commonalty, and citizens of London; and the hospital now known and rated as Bethlem Hospital was erected upon part of the said lands.

As many patients (who are indigent and lunatic) are admitted into the hospital as there is room for, and it is kept as full as possible, but none are received who are possessed of any estate or money sufficient to maintain them elsewhere. The regulations in the standing rules and orders of Bethlem Hospital are adhered to [a printed copy of such standing rules and orders accompanied the case]. Indigent lunatics are received in the hospital for cure, and are provided with maintenance and medicine, and every other necessary, except clothing, for twelve or fifteen months, and frequently longer, where there is a prospect of cure, without any charge or payment whatever. If they are not cured in twelve or fifteen months, and in some instances a longer period, they are discharged; when discharged from the curable class, they are declared to be fit or unfit (as the case may be) for the incurable class, and are admitted thereto forthwith, or as vacancies occur, without favour or affection, in turn. No patients are admitted into the incurable class but those who have been already in the hospital for the purpose of cure for the space of one year at least, and are at the end of it found to be incurably mad, dangerous, and ungovernable. For many of the incurable patients, their friends or relatives, and when received from parishes, then the parish officers, pay towards maintenance and medicine, averaging about 6s. a-week, but the payments are in no instance sufficient to afford any profit, and charges are made for maintenance only, or for clothes, and no other charge is made for residing in the hospital or for medical attendance. Where it has been found necessary or expedient to furnish clothing to any of these patients in consequence of the relatives or friends neglecting to do so, such articles as are necessary are provided from the hospital stores, and the actual prime cost is repaid by the friends of the lunatic.

The amount received by the appellants

during the year 1844, towards providing the maintenance and medicine for the incurable patients generally, was 1,100*l.* or 1,200*l.*, and the money so received was paid into the funds of the hospital, and applied entirely towards the payment for provisions, medicine, and other necessities for the patients.

A part of the hospital rated is used for the reception, cure, and custody of criminal lunatics, and for no other purpose, and that part of the hospital was erected by and at the cost of government; all repairs, alterations, and additions are paid for by government; criminal lunatics are admitted and discharged by warrant of the sovereign or Secretary of State, and by no other authority whatever. The governors are ordered by the warrant to receive and take charge of the criminal patients, and they have no discretion in the matter. The same physician, apothecary, steward, and matron, that attend to the other parts of Bethlem Hospital, attend also to this department—they are appointed by and are under the superintendence and controul of the appellants. Government pay these parties for such services. The keepers of the criminal lunatics are appointed by the appellants, and their wages and maintenance are paid by the Government, in the general expenses of this department. The sum paid annually by the Government for the maintenance and medicine supplied to the criminal lunatics is as near what it costs the hospital as possible; they are not charged rent of premises, or anything of the kind. Sums received towards providing the maintenance and medicine for the incurable patients, as also the money received from the Government for the reimbursement of the costs of maintenance and medicine provided by the hospital for the criminal patients, are paid into the general funds of the hospital, and appropriated and applied to and for the general objects of the charity. The whole of the funds of the hospital are applied for the purposes of the charity, and for none other whatever, and none of the governors do or have received or receive, derived or derive, nor by the regulations and laws of the said hospital, or by the constitution thereof, could or can they receive or derive any compensation, emolument, profit, advantage, or benefit whatsoever.

CASE OF BRIDEWELL HOSPITAL.

The house of occupations, in respect of which the appellants were rated, is an appendage to or a part of the hospital of Bridewell, as hereinafter mentioned, of which hospital the appellants are the governors. The hospital of Bridewell is situate in the city of London, and the house of occupations is situate in St. George's Fields, in the respondent parish, and contiguous to Bethlem Hospital, and in the borough of Southwark. Bridewell Hospital was instituted for the purpose of harbouring, correcting, reclaiming, and employing destitute persons and vagabonds, as by the charter of Edw. 6. and deed of settlement (annexed to the case), appears, and is still so used. By the said letters patent of Edw. 6, dated the 26th of June 1552, Bridewell Hospital was granted to the mayor, commonalty, and citizens of London, and their successors, and they were thereby empowered to send and commit such destitute persons and vagabonds to the house of occupations in Bridewell, and to make rules for the good government of such persons therein, who should be forced to practise and exercise themselves in honest and profitable sciences and occupations; and the mayor, commonalty, and citizens of London, and their successors, were empowered and directed to make all manner of decrees, convenient and honest ordinances, statutes, and rules, for the good government of the poor in Bridewell. By the said deed of settlement of June 12, 1552, made between Edw. 6. and the mayor, commonalty, and citizens, the said mayor, commonalty, and citizens are to set up and erect a house of occupations as therein mentioned. By lease, dated the 1st of August 1828, a portion of the lands contiguous to Bethlem Hospital was demised to trustees, for the mayor, commonalty, and citizens of London, as governors of Bridewell, and the house of occupations was erected thereon. The house of occupations is used for the reception of destitute persons, youths and vagabonds of both sexes, from any place whatever, found within the city of London, the county of Middlesex, or a portion of the county of Surrey, for the purposes specified in the charter, and such persons are all maintained entirely at the charge of Bridewell Hospital. These destitute persons are employed by the governors of Bridewell

Hospital, as directed by the charter in "learning and exercising honest sciences and occupations," such as shoe-making, tailoring, baking, brewing, and rope-making, washing, household and needle work.

The raw materials necessary for the purpose are purchased by the governors. No more goods are manufactured than are necessary for the teaching practically the sciences, occupations and trades in which the inmates are instructed. Some of the articles so manufactured are sold to the public; but the only articles sold are those which are not required for consumption in the hospitals of Bridewell or Bethlem, such as the surplus of the twine and mats not used. The money, about 200*l.* a-year, received from the sale to the public of the articles which are not consumed in the hospital is brought into the general funds of Bridewell Hospital, and forms part of the fund for the purchase of other materials to be also manufactured by, and in teaching the inmates; and the governors do not derive any profit or advantage whatever from the sale of any articles manufactured as aforesaid. The whole of the funds of the hospital are applied solely for the purposes of the charity, and for none other; and none of the governors do or have receive or received, derive or derived, nor by the regulations and laws of the said last-mentioned hospital, or by the constitution thereof, could or can they receive or derive any compensation, emolument, profit, advantage, or benefit whatsoever, having no interest whatever, being governors appointed under the authority of the charter.

On the hearing of these appeals, it was contended, on the part of the appellants, that Bethlem Hospital, and the house of occupations, respectively, were not rateable on the following, amongst other grounds: that they were charitable institutions, used and occupied entirely for charitable purposes, and not beneficially, or as a source of profit or emolument; that they were public institutions, used and occupied entirely for public purposes, and not beneficially, or as a source of profit or emolument; that they were royal foundations, or part and parcel of royal foundations, instituted, used, and occupied for public purposes only; and that the appellants were mere trustees without beneficial interest.

It was also contended that the hospital and house of occupations were exempted from liability to the rate by the 28th section of 50 Geo. 3. c. xlv. The questions for the opinion of the Court were, whether Bethlem Hospital, under all the circumstances, was or was not exempt from liability to such rate, and whether the house of occupations was or was not, under all circumstances, exempt from such liability. If the Court should be of opinion that they were so exempt, so much of the rate as related thereto respectively was to be struck out, and the orders of Sessions confirmed. If the Court should be of a contrary opinion, then the orders of Sessions were to be quashed, and the original rate to be confirmed.

These cases were argued by—

Watson and Wallinger, in support of, and by—

Montagu Chambers, Peacock, and Knapp, against the orders of Sessions.—It is unnecessary to refer to the arguments further than to state that the following authorities were cited:—

The King v. the Inhabitants of St. Bartholomew's, 4 Burr. 2435.

The King v. St. Luke's Hospital, 2 Burr. 1053.

The King v. Waldo, Cald. S.C. 358.

The King v. St. Giles's, York, 3 B. & Ad. 573; s. c. 1 Law J. Rep. (N.S.) M.C. 50.

The Queen v. Sterrey, 12 Ad. & El. 84; s. c. 9 Law J. Rep. (N.S.) M.C. 105.

The King v. Agar, 14 East, 256.

The Queen v. the Trustees of Taunton Market, 14 Law J. Rep. (N.S.) M.C. 58.

The Queen v. St. Martin's-in-the-Fields, 3 Q.B. Rep. 204; s. c. 11 Law J. Rep. (N.S.) M.C. 112.

The King v. the Trustees of Liverpool Docks, 7 B. & C. 61; s. c. 5 Law J. Rep. M.C. 145.

The King v. the Trustees of the River Weaver, 7 B. & C. 70; s. c. 5 Law J. Rep. M.C. 102.

The Queen v. the Mayor of Liverpool, 9 Ad. & El. 435; s. c. 8 Law J. Rep. (N.S.) M.C. 41.

The Queen v. the Justices of Worcestershire, 11 Ad. & El. 57; s. c. 9 Law J. Rep. (N.S.) M.C. 17.

The Queen v. Shepherd, 1 Q.B. Rep. 170; s. c. 10 Law J. Rep. (N.S.) M.C. 44.

The Queen v. Shee, 4 Q. B. Rep. 2; s. c. 12 Law J. Rep. (N.S.) M.C. 53.
Cur. adv. vult.

The judgment of the Court (2), was now (July 7) delivered by—

LORD DENMAN, C.J.—In the case of *The Queen v. the Churchwardens of St. George the Martyr, Southwark*, in the case of *Bethlem Hospital*, the corporation of London, as masters, guardians, and governors of the house and hospital called Bethlem, appealed against a poor-rate made upon them as occupiers “of certain buildings and grounds, called Bethlem Hospital, situate in the parish of St. George, Southwark.” The appellants contended that they were not beneficial owners or occupiers of the property in question, that they were only interested as trustees of a public charitable institution, and therefore that they were not rateable. The respondents, (the parish officers of St. George) in the first place, relied upon the comprehensive words of the 50th Geo. 3. c. xlv. s. 1, that “any person or persons who shall inhabit, hold, use, occupy, possess, or enjoy any land, ground, house, building, tenement, hereditaments, or premises, or the landlords, owners, or lessees thereof, respectively, shall be rated to the poor in respect thereof.” Under the terms of that section the premises in question would be included, though used for charitable purposes only: and if that section had been the only one in the act of parliament, it would have been difficult to contend that they were not rateable; but it appears clearly from the 28th section of the act, that it was not intended that the first section should apply to charitable institutions, which would not be rateable independently of that act. The 28th section expressly recognizes the existence of charitable institutions in the parish, which contribute nothing to the parish burdens, and provides

that no settlement shall be gained in the parish by any occupation, or residence, or hiring and service in any hospitals, charitable or other institution, then or *thereafter* situated or established in the parish. The effect of that clause is, that no burdens shall be imposed on the parish by reason of the existence within it of such institutions as contributed nothing to those burdens.

The question then is, whether Bethlem Hospital is an institution which, independently of the act of parliament, would be rateable. The site of the hospital was transferred from Bishopsgate to the respondent parish, under the 50th Geo. 3. c. xcvi, passed a few months subsequent to the act for regulating the rating to the poor of the parish already referred to. The hospital is of royal foundation, for the reception, maintenance, and cure of lunatics, and the appellants are, by a charter of Hen. 8, constituted masters, keepers, and governors of the hospital, and are as such possessed of lands and other property for the support of it.

For some of the incurable patients, payments towards their maintenance are made by their friends or parish officers, and for criminal lunatics by Government; but in no case is so much paid as to afford any profit. The appellants themselves are mere trustees under the charter and the act of parliament, having no beneficial interest whatever themselves in the premises, and being bound to dispose of the funds of the hospital, from whatever source derived, for the purposes of the charity. It has been long settled, that unless there is a beneficial occupation, the premises are not rateable. The actual occupants, the lunatics, and the keepers and servants who attend them are clearly not rateable as occupiers; and it was decided in the cases of *The King v. St. Luke's Hospital* and *The King v. the Inhabitants of St. Bartholomew's*, that the governors of hospitals not *de facto* occupiers were not rateable, and that in these and similar cases there was no rateable occupier; but it was said that, in the present case, the terms of the act of parliament under which the rate was made did not require actual occupation, for that if the persons assessed held, used, or possessed the premises, it was enough: and no doubt such are the terms of the act of parliament; but whether a person is

(1) Lord Denman, C.J., Patteson, J., Wightman, J., and Erle, J.

Hospital, as directed by the charter in "learning and exercising honest sciences and occupations," such as shoe-making, tailoring, baking, brewing, and rope-making, washing, household and needle work.

The raw materials necessary for the purpose are purchased by the governors. No more goods are manufactured than are necessary for the teaching practically the sciences, occupations and trades in which the inmates are instructed. Some of the articles so manufactured are sold to the public; but the only articles sold are those which are not required for consumption in the hospitals of Bridewell or Bethlem, such as the surplus of the twine and mats not used. The money, about 200*l.* a-year, received from the sale to the public of the articles which are not consumed in the hospital is brought into the general funds of Bridewell Hospital, and forms part of the fund for the purchase of other materials to be also manufactured by, and in teaching the inmates; and the governors do not derive any profit or advantage whatever from the sale of any articles manufactured as aforesaid. The whole of the funds of the hospital are applied solely for the purposes of the charity, and for none other; and none of the governors do or have receive or received, derive or derived, nor by the regulations and laws of the said last-mentioned hospital, or by the constitution thereof, could or can they receive or derive any compensation, emolument, profit, advantage, or benefit whatsoever, having no interest whatever, being governors appointed under the authority of the charter.

On the hearing of these appeals, it was contended, on the part of the appellants, that Bethlem Hospital, and the house of occupations, respectively, were not rateable on the following, amongst other grounds: that they were charitable institutions, used and occupied entirely for charitable purposes, and not beneficially, or as a source of profit or emolument; that they were public institutions, used and occupied entirely for public purposes, and not beneficially, or as a source of profit or emolument; that they were royal foundations, or part and parcel of royal foundations, instituted, used, and occupied for public purposes only; and that the appellants were mere trustees without beneficial interest.

It was also contended that the house of occupations was not rateable as a house of occupation.

which differs, in many essential particulars, from all the cases that were cited in the argument. Upon the whole, however, we think that notwithstanding the payment, in some instances, made in the case of incurable lunatics, this is a public charity, instituted by royal charter for public purposes, and that the appellants are occupiers or possessors for public purposes only, and therefore not rateable to the poor in respect of their occupation or possession of the hospital.

The case of the same appellants against the same respondents, in respect of the rating of *Bridewell Hospital*, does not differ in principle from that of *Bethlem Hospital*, and we have come to the same conclusion in both cases, in substance upon the same grounds.

Orders of Sessions confirmed.

BAIL COURT. }
1847. } THE QUEEN v. THE JUSTICES
June 10, 12. } OF MIDDLESEX.

Poor Removal Act, 9 & 10 Vict. c. 66.—Construction of 1st section—Mandamus.

An order of removal was made before the passing of the 9 & 10 Vict. c. 66; but no removal took place till after the act had passed. After the removal an appeal was entered against the order, and the chief ground was, that the pauper had resided in the respondent parish five years next before the application for the warrant. The Sessions refused to hear the appeal on the ground that the order was before the act, and the removal after it, and the statute gave no right of appeal against the removal.

The Court granted a mandamus commanding the Justices to hear the appeal.

An order for the removal of Sarah Norman, a pauper, was made on the 17th of July 1846, which was before the passing of the act of the 9 & 10 Vict. c. 66, relating to the removal of the poor: but no removal in fact took place till after the passing of the act. After the removal, an appeal was entered against the order; and the principal ground of appeal was founded upon the first section of the new act, stating that the pauper had resided in the respondent parish for five years next before the application for the

warrant, excluding such time as she might have been a prisoner or might have fallen within the other exceptions named in the statute.

On the appeal coming on for hearing, the respondents objected that, as the order was made before the statute, and the act gave no right of appeal against the removal, the proper course would have been to indict for disobedience of the statute, and that the Sessions could not hear the appeal. On this ground the Quarter Sessions refused to hear the appeal.

Pashley having obtained a rule calling upon the Justices to shew cause why a *mandamus* should not issue, commanding them to enter continuances and hear the appeal,

Bodkin and Boothby (June 10) shewed cause.—The ground of appeal relied on is obscure. It gives no sufficient information. It merely states a residence, not saying where, or in what particular place. What is the meaning of “next before”? Certain times were excluded if certain contingencies happened, but the ground of appeal does not shew whether any of those contingencies did happen, nor when they happened.

[WIGHTMAN, J.—Was it necessary to introduce the proviso into the ground of appeal?]

To say that a party had resided would not be sufficient. The exceptions must be negatived, as they occur in the same clause of the act; but whether they ought to have been introduced or not, they have been introduced here, and the allegation concerning the time has been rendered obscure by them.

[WIGHTMAN, J.—Your remarks apply to an appeal against the removal; but the appeal is against the order. Is there any ground of appeal against the order?]

None whatever. Besides, the information given by the ground of appeal is insufficient as to time and place—*The Queen v. the Inhabitants of Whitley Upper* (1), *The Queen v. the Inhabitants of Bridgewater* (2), *The Queen v. the Justices of Sussex* (3). The order is a perfectly good order, which could not

(1) 11 Ad. & El. 90; s. c. 9 Law J. Rep. (n.s.) M.C. 12.

(2) 10 Ibid. 693; s. c. 10 Law J. Rep. (n.s.) M.C. 42.

(3) Ibid. 682; s. c. 9 Law J. Rep. (n.s.) M.C. 22.

become invalid on account of a subsequent provision as to removability, and the new statute gives no right of appeal for removal. The principal objection is, that the enactment in question is not retrospective in its effect—that it does not apply to cases of a residence for five years before the passing of the act, and the Sessions were therefore right in refusing to hear the appeal.

Pashley, in support of the rule.—The question of construction, as to the retrospective effect of the statute, is one of such importance and difficulty that it ought not to be decided on motion, but should be discussed on a return to the *mandamus*. The removing parish have no right to cause the removal till they have sufficiently ascertained that the pauper is not within the provisions of the act. The order is invalid, because the act of parliament makes it inoperative by *ex post facto* matter, which shews that it ought not to exist. It is no answer that a subsequent matter is relied upon as ground of appeal. In *The Queen v. the Inhabitants of Brizham* (4), an order, good in itself, was held of no effect, on account of subsequent matter. It has been suggested, that there is no appeal under the new act, but the 8th section of the 9 & 10 Vict. c. 66. expressly incorporates that act with the Poor Law Amendment Act, and provides that they shall be construed as one.

[WIGHTMAN, J.—My opinion is, that you may appeal either against an order of removal, or against the removal itself. The state of the case seems to be this: you do not choose to appeal till after the removal, and you appeal against the order not because it is bad, but because it has been used for a purpose which is illegal.]

As to the objection to the form of the ground of appeal—it was not necessary for the appellants to refer to the exceptions in the statute at all, as they come by way of proviso—*Thibault qui tam v. Gibson* (5), *Simpson v. Ready* (6). The allegation of the place of residence is sufficient—*The*

King v. the Inhabitants of St. Mary's, Beverley (7).

WIGHTMAN, J.—The main question as to whether the act is retrospective or not ought not to be decided on motion. The question, whether the act applies to the case of an order made before the act, and a removal after it, I shall take time to consider.

Cur. adv. vult.

June 12.—*Pashley* informed his Lordship that the question of the retrospective operation of the act had been raised, and was to be decided, in the full Court.

WIGHTMAN, J.—I think the rule for a *mandamus* ought to be made absolute.

Rule absolute.

[IN THE EXCHEQUER CHAMBER.]

1847. }
June 23. } PAYNTER, ESQ. v. THE QUEEN.

Rate—Tenants in Common—Distress Warrant—Separate Jurisdiction—Notice of Allowance.

A distress warrant may issue against any one of a number of tenants in common refusing to pay the amount of a rate assessed on all of them.

In a notice of allowance of a rate it is not necessary to shew how the rate was allowed. Therefore it was not held necessary, where it appeared that the rate was allowed by a police magistrate, to allege that he had made the allowance at a police court.

A rate is not invalid under 6 & 7 Will. 4. c. 96. s. 2, for not following in precise words the prescribed form, if it is duly signed by the churchwardens and overseers before it is allowed.

Error from the Queen's Bench.

The motion for the *mandamus* in this case is reported *ante*, vol. 14, M.C. p. 179.

On the 3rd of October 1844, the churchwardens and overseers of the parish of St. Mary, Putney, made a rate by which they assessed H. Chasemore and ninety others

(4) 8 Ad. & El. 375; s.c. 7 Law J. Rep. (N.S.) M.C. 78.

(5) 12 Me. & Wels. 88; s.c. 13 Law J. Rep. (N.S.) Exch. 2.

(6) *Ibid.* 736; s.c. 13 Law J. Rep. (N.S.) Exch. 193.

(7) 1 B. & Ad. 201; s.c. 9 Law J. Rep. M.C. 17.

as occupiers of that part of Fulham and Putney Bridge which is situate in the parish of St. Mary, Putney, and of land on which the same is built, together with the toll-house and other buildings. A summons was taken out against all the occupiers, calling upon them to shew cause before Thomas Paynter, Esq., one of the magistrates of the police courts for the metropolis, sitting at the police court of Wandsworth, in the county of Surrey, why they did not pay the sum of 48*l.* 10*s.*, which was the amount of the rate assessed against them. Chasemore and two others appeared before Mr. Paynter, and made several objections to the rate. Those objections Mr. Paynter overruled, but he refused to issue a distress warrant against Chasemore without the direction of the Court. The parochial authorities therefore obtained from the Court of Queen's Bench a rule *nisi* for a mandamus calling on Mr. Paynter to issue a distress warrant against Chasemore for the amount of the rate; and the Court, on cause being shewn, made the rule absolute. The mandamus issued accordingly on the 6th of May 1845, and stated, among other things, that the rate had been *duly* allowed and published. It appeared that Chasemore and the others were tenants in common of the bridge. On the 22nd of May, Mr. Paynter made the following return to the mandamus: "I Thomas Paynter, Esq., one of the magistrates of the police courts of the metropolis, sitting at the police court at Wandsworth, in the parish of Wandsworth, in the county of Surrey within mentioned, do most humbly certify to our Sovereign lady the Queen, at the time and place within mentioned, that there is not at the foot of the rate or assessment within mentioned to have been made for the relief of the poor of the parish of St. Mary, Putney, in the county of Surrey, a declaration signed by a majority of the churchwardens and overseers of the said parish in such form as required by the act of parliament in that case made, but in place thereof a declaration so signed in the words following, that is to say,—'We, George William Brownjohn and Joseph Smith, overseers, and J. Waller and A. Fothergill Bainbridge, churchwardens, do declare the several particulars specified in the *several* columns of the *foregoing* rate to be true and correct as far as we have been

able to ascertain them, to which end we have used our best endeavours;' wherein the word *several*, when that word secondly occurs, and the word *foregoing* are respectively substituted for the words *respective* and *above*, in the form given in that behalf in the said act; and without a declaration in which form any rate as thereby provided is of no force or validity. And I the said T. Paynter do further most humbly certify, that the notice of publication of the said rate or assessment within mentioned was in the words following: that is to say, 'Parish of St. Mary, Putney, the 3rd of November 1844. Notice is hereby given, that a rate or assessment at 1*s.* in the pound has been made for the necessary relief of the poor of this parish, the payment of the police and county rates, and for the other purposes named in the several acts of parliament relating thereto; the same has been allowed by one of Her Majesty's Justices of the Peace acting within the metropolitan police district pursuant to the statute in that case made and provided,'—which notice was signed by the churchwardens and overseers of the said parish of St. Mary, Putney, and the said rate or assessment was not otherwise duly published as in the within writ is suggested; and I, the said T. Paynter, do further most humbly certify, &c., that the notice of the publication of the said rate does, on the face of it, purport that the said rate was allowed by one of Her Majesty's Justices of the Peace acting and within the metropolitan district pursuant to the statute in that case made and provided, but it does not purport or allege that the said rate has so been allowed by the said Justice of the Peace at any of the metropolitan police courts, held within the limits of the metropolitan police district, according to the form of the statute in such case made and provided. And I, the said T. Paynter, do hereby further most humbly certify, &c., that the said H. Chasemore within mentioned is in and by the said rate or assessment expressed to be jointly rated and assessed, together with ninety other persons therein severally named, in the said sum of 48*l.* 10*s.*, and that that sum, so far as the same is duly rated and assessed, is due and owing from and by the said H. Chasemore jointly with the said ninety other persons; and that the summons within mentioned

was directed to the said H. Chasemore, jointly with the same ninety other persons, all in the said summons respectively named; and that the warrant of distress for the levying of the said sum of 48*l.* 10*s.*, if any such warrant were issued, ought to be issued for levying the same sum upon the goods and chattels of the said H. Chasemore and the ninety other persons in the said rate or assessment and in the said summons respectively named jointly, and not upon the goods and chattels of the said H. Chasemore only. And I, the said T. Paynter, do hereby further most humbly certify, &c., that the said H. Chasemore and the said ninety other persons in the said rate respectively named, are rated in and by the said rate in respect of property consisting of shares in the tolls of and arising from a certain bridge called Fulham and Putney Bridge, which said shares were created by and under the provisions of a certain indenture dated the 11th of November 1729, which said indenture was made in pursuance of the enactments of two several acts of parliament passed respectively in the twelfth year of the reign of King George the First and the second year of the reign of King George the Second; and that, by force of the provisions of the said deed so made as aforesaid, the shares of the shareholders of the said bridge are held by them as tenants in common and not as joint tenants; and that as such tenants in common, they are entitled to divide the tolls of the said bridge after payment of all the charges created by the said deed and the said acts, and are made liable to the said charges should such tolls be found insufficient to meet them rateably and proportionably according to their several rights, shares, and interests in the said bridge; and therefore I, the said T. Paynter, ought not to issue my warrant of distress under my hand and seal in due and proper form for the levying of the said sum of 48*l.* 10*s.* upon the goods and chattels of the said H. Chasemore, in pursuance of the statute in such case made and provided as by the within writ I am commanded. The answer of Thomas Paynter."

To this return the parochial officers demurred, on the following grounds:—That although the return alleged that Chasemore and the others were rated in respect of shares in the bridge, it omitted to shew that such

property was in the part of the bridge mentioned in the writ and the land on which it was erected and situate in the parish of St. Mary, Putney, and omitted to shew that the property was the same as the toll-house and other buildings mentioned in the writ and the assessment, and that it merely shewed that Chasemore and the others were rated in respect of shares in the tolls, and did not deny that Chasemore was rated as occupier, jointly with divers other persons, of part of the bridge and of the land upon which the same was erected, as set forth in the writ; and that the return was vague and ambiguous, neither admitting nor denying the joint occupation of the land and part of the bridge; and that it stated mere conclusions of law on the operation of the indenture and acts of parliament, and was otherwise informal and insufficient. On this demurrer, the Court of Queen's Bench (May 8, 1846,) gave judgment that the return was bad, and directed a peremptory mandamus to issue. The present writ of error was brought upon this judgment.

C. Clark, (*Montagu Chambers* with him,) for the plaintiff in error (June 23, 1847,)

(1). — The rate in this case was made under the 6 & 7 Will. 4. c. 96, which, by sect. 2, provides that, before a rate is allowed by the Justices, the churchwardens and overseers shall sign the declaration given at the foot of the prescribed form, or otherwise the rate shall be of no validity. Now the first objection here is, that the rate, as set out on the return, does not follow the prescribed form, but substitutes the words "several" and "foregoing" for "respective" and "above"; but as the case of *The Queen v. Fordham* (2) may be relied on on the other side, this point may be given up. The next point is, that it does not appear that the rate was allowed by the police magistrate at the police office; and unless it was, he had no jurisdiction, and the rate is invalid. Formerly, a rate must always have been allowed by two magistrates; but a new jurisdiction was given by the statutes 2 & 3 Vict. c. 71. ss. 13, 14, and 3 & 4 Vict. c. 84. s. 6, by which one

(1) *Coram* Wilde, C.J., Parke, B., Alderson, B., Coltman, J., Maule, J., Rolfe, B., Cresswell, J., and Platt, B.

(2) 11 Ad. & El. 73; s. c. 9 Law J. Rep. (n.s.) M.C. 3.

police magistrate acting at the police court had power to act where two must have acted before. This being a new jurisdiction, it is necessary to shew that it has been exactly followed.

[ALDERSON, B.—Here the notice states that the rate was allowed by the magistrate pursuant to the statute. Could that be without its having been done at the office?]

In *Helier v. the Hundred of Benhurst* (3), it was held that a magistrate might act for some purposes out of his county, but the police magistrate had no power to act except at the police office. *Bennett v. Edwards* (4) may be relied on by the other side, to shew that it need not be stated that the rate had been allowed; but that case has nothing to do with the question of jurisdiction.

[CRESSWELL, J.—You do not take notice of the allegation in the mandamus that the rate was “duly allowed.”]

The principle laid down in *Dwarris on Statutes*, p. 641, and the authorities there cited is, that if a new law direct a thing to be done in a certain manner, that thing shall not be done in any other manner—*The Queen v. Griffin* (5) and *Christie v. Unwin* (6) are illustrations of that principle. The next objection is with regard to the property rated. There are ninety tenants besides Chasemore, all equally liable, and the magistrate has no power to issue his warrant against one only.

Crompton and Pashley, contra.—The first objection is given up. On the second, the case of *Bennett v. Edwards* is a distinct authority, shewing that there is no necessity to allege how the rate has been allowed. As to the third point, the return shews nothing inconsistent with a joint occupation. Each party is to be taken as jointly occupying and jointly charged for the whole rate; and a party refusing to pay becomes an “offender” under the stat. 43 Eliz. c. 2. s. 4, and the amount assessed can be levied by “distress and sale” of the offender’s goods. In order to make all liable to a levy, all must be offenders; but any one who refuses to pay is at once liable.

(3) Cro. Car. 211.

(4) 7 B. & C. 586; s. c. 6 Law J. Rep. K.B. 104.

(5) 15 Law J. Rep. (N.S.) M.C. 121.

(6) 11 Ad. & El. 373; s. c. 9 Law J. Rep. (N.S.) Q.B. 47.

Clark, in reply to the last point.

The judgment of the Court was delivered by—

WILDE, C.J.—We entertain no doubt as to the first point, with regard to the absence of jurisdiction. We think that the notice of allowance, as stated, is sufficient. As to the last point, there is nothing to negative the fact of occupation by Chasemore, but it appears that he occupies along with ninety others. With regard to the fact that the warrant is not against all, it would be enough to shew that it would be impracticable to execute it against all, even if the objection were otherwise tenable. There must be some offenders in order to justify a warrant. Each is liable for the payment of the whole amount; and so many as do not pay are offenders, and against them separate warrants may go. There is nothing in any of the objections which is arguable, except in the last, and on that we are all agreed that the judgment below was right.

Judgment affirmed.

1847. }
June 10, 26. } THE QUEEN v. LANCASTER.

Municipal Corporation—Borough Gaol—Right to appoint Keepers—Justice of the Peace—7 Will. 4. & 1 Vict. c. 78.—2 & 3 Vict. c. 56.—6 & 7 Will. 4. c. 105.

The borough of Leeds was incorporated by charter of Car. 2, which granted a gaol, and appointed the mayor, for the time being, or his deputy, keeper of the said gaol. There was formerly a lock-up, for temporary confinement only of offenders, within the borough, the keeper of which was appointed by the corporation. In 1815, a prison, with a residence for a gaoler, was erected under local acts of 49 and 55 Geo. 3, which vested the prison and all matters appertaining thereto in the Justices of the borough, who were empowered to make rules for its regulation, and to appoint the gaoler. This prison was only used for temporary confinement, felons and others committed for punishment having always been sent to York Castle or the Wakefield House of Correction, which have always been used as the common gaols of the borough, and to the expense of which the

borough has always contributed. These local acts saved all rights, &c. of the corporation. A new gaol for the borough was subsequently built under the provisions of the gaol acts, from 4 Geo. 4. c. 64. to 2 & 3 Vict. c. 56, and of 7 Will. 4. & 1 Vict. c. 78. s. 37, by the town council of the borough:—Held, that the right of appointing the gaoler to this new gaol was vested in the Justices of the borough, in whom the powers as to regulation of gaols (which includes the appointment of gaoler) are vested by 7 Will. 4. & 1 Vict. c. 78. s. 38.

The appointment of a keeper of a borough gaol is a matter "relating to the business of a court of criminal judicature," within 6 & 7 Will. 4. c. 105. s. 8.

This was a rule, obtained by the Justices of the borough of Leeds, calling upon the defendant to shew cause why an information in the nature of a *quo warranto* should not be exhibited against him, to shew by what authority he claimed to hold the office of gaoler or governor of the borough gaol, in and for the borough of Leeds, on the ground that he had not been duly appointed to the said office. The following were the facts of the case:—The borough of Leeds was incorporated by charter of 13 Car. 2, by which the mayor, recorder, and aldermen were appointed Justices of the Peace for the borough, and were authorized to hold Quarter Sessions, and to commit prisoners to the common gaol of the county of York. It was thereby also granted and declared that the said mayor, aldermen, and burgesses of the said borough should and might have and hold within the said borough, and the liberties and precincts of the same, one prison or common gaol for the safe and secure custody therein of persons and offenders, there to abide, until thence delivered, according to law; and the charter then proceeded—"Et assignavimus et per præsentēs appunctuamus majorem burgi prædicti et successores suos per seipsos vel sufficientes deputatos pro quibus respondebunt custodem et gubernatorem istiusmodi gaolæ seu prisonæ, sic ut præfertur factæ vel erigendæ in burgo prædicto." Under the Municipal Corporation Act, 5 & 6 Will. 4. c. 76, Justices of the Peace were assigned for the said borough, and a separate court of Quarter Sessions was granted

by the Crown to the said borough. Previously to the year 1815, there was a lock-up house within the said borough, which was only used for the temporary detention of persons charged with offences, until they were brought up before the Justices; but there was no residence for a gaoler or other officers attached to it. Offenders, committed for trial at the assizes or sessions, and for punishment from the Quarter Sessions, have from the earliest times been sent to York Castle or to the Wakefield House of Correction, which have been, and still are, used as the common gaols of the said borough; and the inhabitants of Leeds have always contributed by a rate towards the expense of these gaols. It appeared by the records of the corporation that, from 1757 to 1813, the corporation of the said borough appointed the chief constable and gaoler of the borough, who acted as the officer of the Mayor and Justices, and executed precepts, &c., and had charge of the lock-up house and the persons confined there. The entries of these appointments were in the following form:—"11th of October 1737. At this court James Barber, of Leeds, in this borough, innholder, is unanimously chosen constable and gaoler of this corporation in the room of Richard Nottingham, of which election said James Barber is to have notice by the Court." By a local act, 49 Geo. 3. (1809), intituled "An act to amend and enlarge the powers of an act passed in the 30th year of his present Majesty, for better supplying the town and neighbourhood of Leeds, in the county of York, with water, and for more effectually lighting and cleansing the streets and other places within the said town and neighbourhood, and removing and preventing nuisances and annoyances therein, and for erecting a court house and prison for the borough of Leeds, and for widening and improving the streets and passages in the said town," the Justices of the Peace for the said borough were authorized to erect a prison, which with every matter and thing appertaining or in any manner relating thereto, is declared to be vested in the Justices of the Peace for the said borough for the time being; and under the same act, extended by an act, 55 Geo. 3. (1815), intituled, "An act to amend and enlarge the powers and provisions of an act of his present Majesty, for erecting a court

house and prison for the borough of Leeds in the county of York, and other purposes; to provide for the expense of the prosecution of felons in certain cases; and to establish a police and nightly watch, in the town, borough, and neighbourhood of Leeds aforesaid," a court house and prison, with a residence for a gaoler, and other buildings attached thereto, were erected and vested in the said Justices, which has been since 1815, used for that purpose; but such prison was only adapted for the temporary detention of offenders; and persons committed for a longer time have always been sent as before to York Castle, or Wakefield House of Correction. By the last-mentioned act the Justices of the borough in Quarter Sessions were empowered to make rules for the regulation of the prison, and to appoint a gaoler, keeper, or governor thereof, and such other officers as they should think proper, and to fix their salaries, with power to remove the gaoler and other officers, and to appoint others in their stead. In pursuance of this power, the Justices of the borough appointed a gaoler in 1815, who held and exercised the office until his death in 1835, when the said Justices elected another person to the office, who has ever since continued to hold it. In the two last-mentioned acts is contained a clause, "that nothing in this act contained shall extend, or be construed to extend, to prejudice, lessen, or defeat any right, interest or property of the corporation of Leeds, of or in any power, privilege, franchise, or authority, but all and every such powers, privileges, franchises, and authorities may be exercised and enjoyed in as full and ample manner to all intents and purposes as the same were exercised and enjoyed at any time before the passing of this act." A gaol for the borough of Leeds, with a residence for a gaoler and other officers, was lately built by the town council, under the provisions of the gaol acts, 4 Geo. 4. c. 64, 5 Geo. 4. c. 12, 5 Geo. 4. c. 85, 2 & 3 Vict. c. 56, and of the Municipal Corporation Acts, 5 & 6 Will. 4. c. 76, 6 & 7 Will. 4. c. 105, 7 Will. 4. & 1 Vict. c. 78; and the town council of the borough, under a claim of the sole and exclusive right of appointing the gaoler of such gaol, appointed the defendant, James Lancaster, to that office, which he accordingly held

under that appointment. The Justices of the borough contested this claim of the town council. The mayor and recorder each put in a claim to the same right, and before this rule was argued, severally appointed the defendant Lancaster to the same office. It was agreed between the parties that the decision of this Court upon the present rule should be acquiesced in by all the claimants, the object of the motion being to settle the question as to which of the several parties had the right of appointment of gaoler and other officers connected with the gaol.

Cause was shewn (1) by—

Baines, for the mayor;

Hall, for the recorder; and—

J. Addison, for the town council of the borough.

Cowling argued, in support of the rule, for the Justices.

The arguments are fully stated in the judgment. The following authorities were referred to:—

The Queen v. the Bishop of Bath and Wells, 5 Q.B. Rep. 147; s. c. 12

Law J. Rep. (N.S.) Q.B. 324.

The King v. Varlo, Cowp. 248.

Smith v. Hillier, Cro. Eliz. 167.

The Queen v. the Recorder of Kingston-upon-Hull, 8 Ad. & El. 639; s. c. 7 Law J. Rep. (N.S.) M.C. 100.

Palmer v. Powell, 6 Mee. & Wels. 627; s. c. 9 Law J. Rep. (N.S.) Exch. 209.

Hammond v. Peacock, Exchequer, T. T. 1847, not yet reported.

Cur. adv. vult.

The judgment of the Court was now (June 26) delivered by—

LORD DENMAN, C.J.—In this case the question has been raised, in whom is the right of appointment to the office of gaoler of the new prison and house of correction, lately completed in the borough of Leeds. All parties agree to be bound by our opinion, and we have come to the conclusion that the right is in the Justices of the borough. The affidavits shew that, originally, there was a prison for temporary confinement,

(1) Before Lord Denman, C.J., Patteson, J., Coleridge, J., and Erle, J.

without a residence for a gaoler, and that the corporation appointed that officer. This prison being inadequate, a second prison and house of correction, with residence for a gaoler, was built under the local acts, the 49 Geo. 3. and 55 Geo. 3, and the power of appointing the gaoler thereto was vested in the Justices of the borough in Quarter Sessions, by sect. 10. of the 55 Geo. 3. This prison and house of correction being also inadequate, a new prison has been built, as a substitute for it, under the provisions of the acts relating to gaols, from the 4 Geo. 4. c. 64. to 2 & 3 Vict. c. 56. If the new prison, being substituted for the former gaol, is subject to the power of appointment which related to that gaol, the right of the Justices is established. But our decision in their favour is not rested on this ground.

As the new prison was built under the powers of the 4 Geo. 4. c. 64. extended by subsequent acts, the provisions of that statute relating to the appointment of the gaoler are applicable. By section 25. the Justices in Quarter Sessions are empowered to appoint the keepers for every prison within their jurisdiction, to which this act shall extend, except the keeper of the common gaol. This act extended only to the boroughs named in the schedule (A.) thereof, Leeds not being one; but the provision relating to the power of appointment appears to be extended to the Justices of this borough, by 7 Will. 4. & 1 Vict. c. 78. s. 38, enacting, that all the power of regulation which before the passing of the 5 & 6 Will. 4. c. 76. were possessed by the Justices having the government or ordering of any gaol or house of correction belonging to any borough named in the schedules of 5 & 6 Will. 4. c. 76, and all things by any act provided to be done at any Quarter Sessions of the Peace in relation to the regulating of any such gaol or house of correction, shall, subject as therein mentioned, be exercised by the Justices of the borough to which such gaol or house of correction shall belong, at a quarterly session for that purpose. The power of appointing a gaoler appears to be a thing in relation to the regulating a gaol, provided as well by the 4 Geo. 4. c. 64. as by the local acts, to be done at a quarter sessions of the peace, in respect of prisoners within the jurisdiction

of the Justices in those acts respectively mentioned, and therefore to be conferred on the Justices of this borough. If the power had not been conferred on the Justices by these acts, we think that the 2 & 3 Vict. c. 56. s. 1, extending to all gaols and houses of correction in England the provisions of the 4 Geo. 4. c. 64, subject to exceptions not here applicable, would have operated to confer it. This view is in accordance with *Hammond v. Peacock*.

It was contended for the mayor, that the right to appoint, in respect of this prison, was vested in him by the charter, and was not vested in the Justices by the 4 Geo. 4. c. 64. s. 25, because it was a common gaol. But as the new prison is a substitute for that built under the local acts, now become inconvenient in respect of size and situation, if the statutes relating to gaols did not apply, the claim for the Justices under the local acts would, in our judgment, be preferable to that of the mayor under the charter. Also, by reason of the same substitution, we are of opinion, that the new prison is not shewn to be included in the term "common gaol," which can be clearly applied in respect of county gaols, but is undefined in respect of boroughs. The affidavits, moreover, shewing that in respect of this borough the gaols of York Castle and of Wakefield House of Correction have been, and yet are, used as the common gaols of the borough. This decision does not conflict with *The Queen v. the Bishop of Bath and Wells*, which rested on the fact that the town council of Bath were *de facto* in the exercise of the franchise of appointing a gaoler, and therefore had the appointment of a chaplain under 2 & 3 Vict. c. 56. s. 15; whereas, in the present case, before 1815, the mayor took no part, except as member of the corporation, and since 1815 has taken no part in the appointment of a gaoler.

It was submitted for the recorder that by 5 & 6 Will. 4. ss. 76. and 105. the cognizance of all matters cognizable by the Quarter Sessions for a county is vested in him—see *The Queen v. the Recorder of Hull*, *The Queen v. St. Lawrence, Ludlow* (2); and as the Justices in Quarter Sessions under 4 Geo. 4. c. 64. could appoint a gaoler, he

had the same power; and, further, that the 7 Will. 4. & 1 Vict. c. 78. s. 38. did not take that power from him, and vest it in the Justices of the borough, because that section was confined to the powers of regulating gaols given by 4 Geo. 4. c. 64; and the power of appointing a gaoler is not included under a power of regulating gaols. But we are of opinion that section 38. last mentioned does relieve the recorder from this duty. The 4 Geo. 4. c. 64, according to its title, consolidates the laws relating to the building, repairing, and regulating gaols, and it contains various provisions for appointment of gaolers and other officers. By 7 Will. 4. & 1 Vict. c. 78. s. 37. the powers provided by 4 Geo. 4. s. 64. for building and repairing gaols were vested in the town council; and by section 38. the powers provided in relation to the regulating of any borough gaol were vested in the Justices. We consider that in this division the power of appointing a gaoler was not omitted, and as it is not in the part relating to building and repairing, it was included in the part relating to regulation. Also, it is obvious, that the power of appointing and dismissing the gaoler has an intimate relation to the effective regulation of a gaol.

It was contended for the town council, that the usage for the corporation to appoint the gaoler had vested the right in that body, although the charter in clear words gave it to the mayor, and that the right had passed from the corporation to the town council; but we are of opinion that the usage did not alter the effect of clear words in the charter.

It was contended further, that the right vested, by the local acts, in the Justices of the borough, had passed to the town council, by 5 & 6 Will. 4. c. 76. s. 116. and 2 & 3 Vict. c. 56. s. 1; the first giving to town councils the powers which were given to Justices in Quarter Sessions, by 4 Geo. 4. c. 64, in respect of the boroughs named in Schedule (A.) of that act, and the second extending to all borough gaols in England the provisions of 4 Geo. 4. c. 64, subject to exceptions not extending to the power of appointing a gaoler. But we are of opinion, that the 7 Will. 4. & 1 Vict. c. 78. ss. 37. and 38. had distributed the powers of the 4 Geo. 4. c. 64. to the town council as to building, and to the Justices as to regulating,

before the 2 & 3 Vict. c. 56. came into operation; and that the 2 & 3 Vict. c. 56. extends to all borough gaols the powers of the 4 Geo. 4. c. 64, subject, among other modifications, to those introduced by 7 Will. 4. & 1 Vict. c. 78. ss. 37. & 38—section 38. giving the power of appointment to the Justices of the borough. It was contended further, that as the new prison was a substitute for that to which the Justices by the local acts appointed the gaoler, the 6 & 7 Will. 4. c. 105. s. 8, enacting that everything provided by any local acts to be done by the Justices, except what relates to the business of a court of criminal jurisdiction, may be done by the town council, gave the power of appointment to the town council. But we are of opinion, that the appointment of a gaoler is within the exception above mentioned; and also, as before stated, that the appointment to the new prison is within the 7 Will. 4. & 1 Vict. c. 78. s. 38.

On this examination of the statutes, it appears to us, that the Justices are entitled, and the other claimants are not; and we would add, that if such complicated enactments were doubtful, expediency in our judgment supports the construction imposing this duty on the Justices of the borough. The rule for a *quo warranto* is, therefore, made absolute.

Rule absolute accordingly.

[IN THE EXCHEQUER OF PLEAS.]

1847. } ORMEROD AND ANOTHER v.
Jan. 12. } CHADWICK AND ANOTHER.

Poor-Rate—Publication under 1 Vict. c. 45.—Ancient Chapel—School-house—Warrant of Distress—Allegation of Proof on Oath.

An ancient chapel in the township of T. having fallen into decay, a new church was built and consecrated in the year 1832, and divine service had been regularly performed there since, but parish meetings were sometimes held, and christenings and burials performed in the chapel. There was also a school-house in the township where divine service was performed on Sundays:—Held, that the new church was de facto the church

of the place, and that the publication of a poor-rate by affixing the notice required by the 1 Vict. c. 45, at or near the principal door thereof only, was sufficient.

A warrant of distress for poor-rates recited, that the rate was made on the 25th of November, that being in fact the date of its allowance, it having been made on the 24th of September. And it alleged the refusal of the parties to pay the rate to have been "duly proved" instead of proved on oath:—Held, that the warrant was good.

Trespass for seizing and selling certain goods of the plaintiff.

Plea—not guilty by statute.

The cause was tried, before Coleridge, J., at the Liverpool Summer Assizes, for 1846, when it appeared that the action was brought to recover damages from the defendants, who were Justices of the Peace in the division of Middleton, in the county of Lancaster, for having issued warrants for distraining on property of the plaintiffs (who were the occupiers of a mill in the township of Todmorden and Walsden, in the same county) for 84*l.*, alleged to be due from them for four poor-rates. Todmorden and Walsden were a united township and maintained their own poor. In that township there was an ancient chapel which had fallen into decay, and in the year 1832 a new church was built under the powers and provisions of the Church Building Act, 3 Geo. 4. c. 72, to which many of the fittings were removed from the old chapel. The new church was consecrated the same year, and the service had since been regularly performed there; but parish meetings were sometimes held and christenings and burials performed in the chapel. There were two doors both to the old and new buildings. In 1840 a school was established in Walsden, and divine service was performed in the school-room on Mondays by a clergyman of the Church of England. The rates in question had been published by affixing notice thereof on the principal door only of the new church. No notice was put up either at the old chapel or at the school-room. The plaintiffs contended that there was no sufficient publication of the rates, inasmuch as under the statute 1 Vict. c. 45, the notice should have been affixed to all the doors of the church, chapel, and school-house. That

the warrants (1) were bad; first, because they described the rate as made on a wrong date; secondly, because the refusal of the plaintiffs to pay the rate was not alleged therein to have been proved before the defendants on oath.

(1) The warrants were in the following form:—
"Division of Middleton, county of Lancaster:—To the churchwardens and overseers of the poor of the township of Todmorden and Walsden, in the said county, and to William Greenwood and John Smith, the constables of the said township, and every of them. Whereas, in and by a certain rate and assessment, dated the 25th day of November 1839, made, assessed, allowed, and published, according to the statute in that case made and provided, Abraham Ormerod, William Ormerod, and Peter Ormerod, inhabitants and joint occupiers of certain buildings and tenements in the said township of Todmorden and Walsden, were duly rated and assessed, for and towards the necessary relief of the poor of the township for the year 1839, in the sum of 41*l.* 7*s.* 6*d.*, and there is now in arrear and unpaid in respect of the same, the sum of 9*l.* 17*s.* 1*d.*; and whereas it duly appeareth unto us, the undersigned William Chadwick and George Ashworth, esquires, two of her Majesty's Justices of the Peace in and for the said county of Lancaster, and acting in and for the said division of Middleton, in the said county, as well upon the complaint on oath of Joseph Knowles, one of the overseers of the poor of the said township of Todmorden and Walsden, as otherwise, that the said sum of 9*l.* 17*s.* 1*d.*, hath been lawfully demanded by him, of the said Abraham Ormerod, William Ormerod, and Peter Ormerod, and that they have refused and do refuse to pay the same. And whereas the said Abraham Ormerod, William Ormerod, and Peter Ormerod have been duly summoned to appear before us, the said Justices, to shew cause why they have not paid the said sum last assessed (being parcel of the said sum at which they were so rated and assessed as aforesaid), and they having appeared by William Eastwood, their attorney in this behalf, before us in pursuance of such summons, and it hath now been *duly proved* unto us, the said Justices, in the presence and hearing of the said attorney of the said Abraham Ormerod, William Ormerod, and Peter Ormerod, that an assessment for the relief of the poor of the township of Todmorden and Walsden, and for other purposes chargeable therein, according to law, dated the 25th day of November 1839, was duly made, allowed and published, as aforesaid; and that the said Abraham Ormerod, William Ormerod, and Peter Ormerod, are therein and thereby assessed at the sum of 41*l.* 7*s.* 6*d.*, as aforesaid, and that the sum of 9*l.* 17*s.* 1*d.* parcel of the said last-mentioned sum is now in arrear and unpaid by the said Abraham Ormerod, William Ormerod, and Peter Ormerod. And whereas it hath now also been proved unto us, the said Justices, in the presence and hearing of the said attorney of the said Abraham Ormerod, William Ormerod, and Peter Ormerod, that the said last-mentioned sum of 9*l.* 17*s.* 1*d.* hath been duly demanded of the said Abraham Ormerod, William Ormerod, and Peter

Under the direction of the learned Judge the plaintiffs had a verdict for 84*l.*, leave being reserved to the defendants to move to enter a nonsuit, or a verdict for them if the Court should be of opinion that all these points were untenable.

Baines (Hall with him), in Michaelmas term (Nov. 13) shewed cause.—The publication of these rates is insufficient under the 1 Vict. c. 45. s. 2. Prior to that statute oral publication during divine service was required by many statutes; the 17 Geo. 3. c. 3. for instance, which to prevent churchwardens and overseers from making "unjust and illegal rates in a secret and clandestine manner" required that they should give public notice in the church of every poor-rate on the first Sunday after its allowance by the Justices. If that direction were not complied with, the rate became a mere nullity—*The King v. Newcomb* (2) and *Sibbald v. Roderick* (3). The new mode of publishing the rates in the statute of Victoria is in substitution of the former objectionable mode, and should at least be as extensive. Now the words of the 2nd section of the 1 Vict. c. 45. are "affixed on or near to the doors of all the churches

Ormerod, but that they have not paid, and have refused and still refuse to pay the same, and the said Abraham Ormerod, William Ormerod, and Peter Ormerod, have not, nor hath any of them by their attorney aforesaid, or otherwise, shewn unto us any sufficient cause for not paying the same; these are, therefore, in her Majesty's name, to command and require you forthwith to make distress of the goods and chattels of the said Abraham Ormerod, William Ormerod, and Peter Ormerod, for the said sum of 9*l.* 17*s.* 1*d.*; and if within the space of four days next after such distress by you taken, the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels, as by you distrained, and out of the money arising by such sale, that you retain the said sum of 9*l.* 17*s.* 1*d.*, and also the reasonable charges of taking, keeping, and selling the said distress, rendering to the said Abraham Ormerod, William Ormerod, and Peter Ormerod the overplus (if any) upon demand; and if no such distress can be found, that then you certify the same unto us, to the end that such further proceedings may be had therein as to law doth appertain. Given under our hands and seals at Rochdale, in the said county of Lancaster, the 28th day of March, (A.D.) 1845."

"William Chadwick, (L.s.)

"George Ashworth, (L.s.)"

(2) 4 Term Rep. 368.

(3) 11 Ad. & El. 38; s.c. 9 Law J. Rep. (N.S.) M.C. 76.

and chapels within such parish or place." It is submitted that under that enactment the notices ought to have been put up at all the doors of the chapel and school-house as well as of the church, and such a construction has been favoured in *The Queen v. Whipp* (4). At all events the notice should have been affixed at all the doors of the new church, otherwise some at least of the congregation would not have the information which, under the former mode of publication in the church they must have had. The chapel was within the words of the act, and was used as a chapel, or burials and parish meetings. The school-house, though not licensed or consecrated, is brought within the act by the circumstance of divine service according to the rites of the Church of England being performed there.

Then the warrants are bad on two grounds: first, there is no such rate as the warrant recites. The rate was, in fact, made on the 24th of September, whereas the warrant recites the making of a rate on the 25th of November, which was, in truth, the date of its allowance.

[PARKE, B.—The date is mere matter of description, and may be struck out altogether.]

Secondly, there is no statement that the plaintiff's refusal to pay the rate was proved before the defendants on oath. It only states the refusal to have been "duly proved." That is not sufficient, for this warrant operates as a conviction, and ought to possess all the certainty which is required in convictions—*Tracy v. Talbot* (5) and *Ex parte Aldridge* (6). A demand and refusal was clearly necessary, and a defective warrant is no justification—*Crepps v. Durden* (7). In *Ex parte Jones* (8) the word "duly" was held to be insufficient. This principle is established by many cases collected in the first volume of *Burn's Justice of the Peace*, tit. 'Conviction,' p. 973. He cited *The King v. Croke* (9), *In re Tordoff* (10), *In re Grey* (11), *Ex parte*

(4) 4 Q.B. Rep. 141; s.c. 12 Law J. Rep. (N.S.) M.C. 64.

(5) 2 Salk. 532.

(6) 2 B. & C. 600.

(7) Cowp. 640.

(8) 1 New Sessions Cases, 3.

(9) Cowp. 26.

(10) 13 Law J. Rep. (N.S.) M.C. 145.

(11) 2 Dowl. & L. 539; s.c. 14 Law J. Rep. (N.S.) M.C. 26.

Fuller (12), and *The Queen v. Wroth* (13).

[ALDERSON, B.—I find that according to a note of the learned reporter in *The Queen v. Marriott* (14), the question as to fixing the notices on the several doors of the church is settled; and, notwithstanding this very objection, a mandamus issued to compel Justices to issue their warrant.]

[POLLOCK, C.B.—And as that is so, we think we are bound by it.]

Martin and *Addison*, in support of the rule.—The publication of the rate was sufficient. The school-house is clearly not within the act. The old chapel has, for the last twelve years, ceased to be used as a church, and there is no pretence for saying that there is any other church or chapel within the meaning of the acts of Victoria, in this township, than the new building. As to the warrant, the statute of Elizabeth does not require the report to be proved on oath, or that it shall be so alleged; and if that be so, *Basten v. Carew* (15) is an authority for saying that such an allegation was unnecessary. All the cases cited on the other side are cases of convictions, except *The Queen v. Wroth*, which is the decision of a single Judge, and is overruled in *The Queen v. King's Lynn* (16). Even if such an allegation were necessary, it is apparent in the whole instrument that the evidence was taken on oath, and that is enough—*The King v. Luffe* (17). They cited *The King v. Fisherton Delamore* (18).

Cur. adv. vult.

The judgment of the Court was now delivered by—

POLLOCK, C.B.—In this case, which was argued before my Brothers Parke, Alderson, Rolfe, and myself, during the last term, upon a rule to enter a verdict for the defendant, on points reserved by my Brother Coleridge, the facts necessary to be stated were these:—This was an action of trespass

brought against the churchwardens and overseers of the township of Todmorden, for seizing the plaintiff's goods under four warrants of distress for poor-rates, all in the same form, and there is no occasion to notice more than one of them.

The plaintiff's case was, first, that the rate was invalid; and, secondly, that the warrant was void. The objection to the rate was, that it was not duly published on the first Sunday after its allowance, and was therefore void. On that Sunday, the written notice of the allowance of the rate was placed on the principal or most usual door of the church at Todmorden. There was another door on which no notice was placed. There had been also prior to the year 1832, a public chapel in a hamlet of the same township, which, on the consecration of the before-mentioned church in that year, ceased to have divine service performed in it; its galleries were removed, but its pews were left behind, and occasionally burials took place in the churchyard, and christenings in the church, when convenient to the clergyman; and parochial meetings were held there, its situation being convenient for the inhabitants of the whole township; but by order of the commissioners for building churches, the emoluments of the chapel were transferred to the incumbent of the new church about the time of its consecration.

It appeared also, that in the hamlet of Walsden, (part of the township,) there was a school-house, in which service was celebrated on Sundays by a regular minister of the Church of England, and that there were some chapels of dissenters from the Church of England, duly licensed, in the township. The notice of the allowance of the rate was not placed on any of the doors of either the old chapel or of the school-house, or of any dissenters' chapel. Under these circumstances it was contended, that the notice was not given in conformity with the provisions of 1 Vict. c. 45, which substitutes a written notice for the publication of the rate required by 17 Geo. 2. c. 3, for two reasons, first, because it was not fixed to *all* the doors of the new church; secondly, because it was not fixed on any door of the old chapel or school-house. It was not urged nor could it be with success, that the notice ought to have been posted on the doors of dissenters' chapels. We are all

(12) 13 Law J. Rep. (N.S.) M.C. 141.

(13) 2 Dowl. & L. 729; s.c. (as *The Queen v. the Justices of Buckinghamshire*) 14 Law J. Rep. (N.S.) M.C. 45.

(14) 12 Ad. & El. 779; s.c. 10 Law J. Rep. (N.S.) M.C. 12.

(15) 3 B. & C. 649; s.c. 3 Law J. Rep. K.B. 111.

(16) 15 Law J. Rep. (N.S.) M.C. 93.

(17) 8 East, 193.

(18) Sessions Cases, 45.

of opinion, that this objection to the notice ought not to prevail.

The statute 1 Vict. c. 45. was passed for the purpose of preventing the interruption of divine worship by notices of a secular character, and giving an equivalent in the shape of a written advertisement in a part of the fabric of the church where it would be likely to be observed.

The 1st section thereof enacts, "That so much of the 58 Geo. 3. c. 69. as directs the publication of such notices to be made in the parish church or chapel on some Sunday during or immediately after Divine Service shall be and the same is hereby repealed; and that from and after the 1st of January next no proclamation or other public notice for a vestry meeting or any other matter shall be made or given in any church or chapel during or after Divine Service, or at the door of any church or chapel at the conclusion of Divine Service." Section 2. enacts, "That all proclamations or notices, under which or by virtue of any law or statute, or by custom or otherwise, have been heretofore made or given in churches or chapels during or after Divine Service, shall be reduced into writing, and copies thereof either in writing or in print, or partly in writing and partly in print, shall previously to the commencement of Divine Service on the several days on which such proclamations of notices have heretofore been made or given in the church or chapel of any parish or place, or at the door of any church or chapel, be affixed on or near to the doors of all the churches and chapels within such parish or place; and such notices when so affixed shall be in lieu of and as a substitution for the several proclamations and notices so heretofore given as aforesaid, and shall be good, valid, and effectual to all intents and purposes whatsoever." Section 3. enacts, "That no such notice of holding a vestry shall be affixed on the principal door of such church or chapel unless the same shall previously have been signed by a churchwarden of the church or chapel, or by the rector, vicar, or curate of such parish, or by an overseer of the poor of such parish; but that every such notice so signed shall be affixed on or near to the principal door of such church or chapel."

The first question arises on the construction of the 2nd section of the 1 Vict. c. 45, whether the word "doors" is to be

read as meaning *all* the churches and chapels, or only *the door* of every church *and the door* of every chapel, *referendo singula singulis*, the word "door" being used in the sense of the most usual door. Each construction is equally consistent with the words of the sentence; but we think that the latter ought to prevail. If the legislature had meant that anything should be done at or near more doors than *one* (no previous statute having required anything to be done at more than one door) they would have so expressly provided, by using the word "*all*;" and the context appears to us to favour our construction. The publication of a notice of vestry, required by 58 Geo. 3. c. 69, during divine service is repealed. The written notice on the *principal door* of the church is retained, and no notice required *on any other door* by way of substitute for the loss of the verbal notice during divine service. In this case it is clear that the legislature thought one written notice on one door sufficient. Again, the statute of 31 Eliz. c. 3. requires a proclamation of outlawry, immediately after divine service, "*at the most usual door*." The recital of that statute mentions the word "door" only, evidently using it as synonymous with "*the most usual door*;" and the first section enacts, that no proclamation shall be made at the *door* (using the word in the same sense), and then section 2. provides that on the days on which proclamations and notices have been heretofore given in the church, or at *the door* of any church or chapel, such proclamation and notices shall be reduced into writing, and affixed at or near to *the doors* of all the churches and chapels within such parish or place; and the word "door," in both members of the section, must have the same meaning; and as in the former it clearly means the most usual or principal door, so it must in the latter. We therefore think that all that was intended was, that a notice should be placed on the most usual door only of each church or chapel. Therefore, the effect of the statute is to substitute, for public verbal notice in the parish church, a public written and therefore more permanent notice on the chief entrance, not only into that church, but also on the chief entrances into each of all the parochial chapels and chapels of ease in the same district. Whether it extend to proprietary

chapels or any private chapels is not necessary to be determined; most probably not.

The next question is, whether any notice was necessary to be placed on the principal door of the *old chapel*? Whether this chapel had *legally* ceased to be such or not, so as to be incapable of being again used for the purposes of divine service without a fresh consecration need not be decided. It had ceased to be so *de facto* for twelve years: divine service had not been celebrated there for that time, and consequently it was no longer a church within the meaning of the act, as no notice could be placed on its principal door before the commencement of that service, as required by the second section. It is clear that notice was not required to be placed on the door of the school-house, as that certainly was not a church or chapel. We conclude, therefore, that the rate was valid.

It remains to consider the validity of the warrant itself. It was in this form:—[His Lordship here read it]. One objection to the warrant was disposed of during the argument by the Court. It was said that it misrecited the date of the rate, which was made by the churchwardens and overseers on the 24th of September 1839, and allowed on the 25th of November. Supposing this to be a misrecital, the rate is quite sufficiently ascertained without the date, and the maxim *falsa demonstratio non nocet* applies. The other and more weighty objection to the warrant is, that it does not state that the evidence against the plaintiff *was given on oath*. This warrant is in a form fuller than that given in *Burn*, edit. 1831, by *Chitty*; and which latter form is probably that generally adopted and acted upon; and though we must hold it to be bad, if we are satisfied by the authorities that it is so, we ought not lightly to overturn a long established form—*The Queen v. Rotherham* (19). Whenever the particular statute requires the evidence to be on oath, such express enactment no doubt must be obeyed; and where a statute gives authority to Magistrates to hear and determine, or to convict on the examination of witnesses, it is implied that “the examination is to be taken as the law wills *on oath*”—*Dalton*, ch. 6.

s. 6. *Paley on Convictions*, 42; and authorities were cited to shew that in convictions the evidence must be stated to be on oath—*Ex parte Aldridge* (there, in truth, the conviction did not pursue the statutory form given by 3 Geo. 4. c. 110, and was therefore clearly bad); and also that in orders of commitment, not founded on a previous conviction, which were said to be themselves “convictions,” the same statement was requisite—*Ex parte Jones, coram Williams, J.* (then called a conviction), under 4 Geo. 4. c. 34. s. 3. *In re Grey*, on the same statute, *coram Patteson, J.*, *The Queen v. Lewis* (20), *coram Williams, J.*, on the same act. *In re Tordoff* was a decision on a similar commitment on a conviction on the same statute by the full Court, but on a different point. On the other hand, in orders (not being convictions) the same strictness has not been held necessary. In a very early case, *The King v. Fisherton Delamore*, an order, “upon due consideration,” was held to be null, for it implied a “due examination,” which was clearly admitted to be good. So in *The King v. Luffe*, where it was held, that an order of filiation, stating that it was made on the oath of *the wife* and *otherwise*, was held good. So in the case of *The Queen v. King's Lynn*, my Brother Coleridge, in the Bail Court, held an order of removal good, notwithstanding a similar objection. There is, it is true, a contrary decision by my Brother Wightman, *The Queen v. the Justices of Buckinghamshire*, as to an order of filiation; but *The King v. Luffe* was not cited; and Coleridge, J. is reported to have said in *The Queen v. King's Lynn*, 15 *Law J. Rep.* (N.S.) M.C. 93, “That if that case had been brought before my Brother Wightman, he would not have decided against it.”

The result, therefore, of the cases appears to be, that in orders, properly so called, no statement need be made that the evidence was on oath; but in convictions and commitments which incorporate convictions, and are treated as such, it must be so stated. Whether it might not have been as well held that less strictness than this should be necessary in convictions, and that it should be sufficient to state that the evidence was given in due manner, which would include evidence on oath or affirmation, or by records,

(19) 2 Q.B. Rep. 557; s.c. 12 Law J. Rep. (N.S.) M.C. 17.

(20) 13 Law J. Rep. (N.S.) M.C. 46.

or by any other instrument of evidence, we need not now inquire. The point for us to decide is, whether it is necessary in a warrant of distress for a poor-rate. The granting such a warrant is a judicial matter; the Magistrate has to decide, as Judge, whether it ought to be issued or not—*Harper v. Carr* (21); though his jurisdiction to decide that question depends upon two conditions, first, that there be a valid rate; second, that the party rated be an occupier in the district. But the statute 43 Eliz. c. 2. does not require expressly or impliedly that any formal record of conviction should be drawn up; nor is any such ever prepared in practice; nor does the warrant on the face of it appear to be meant to be a conviction, as in some of the cases referred to, and therefore we do not think that the decisions apply to it. It ought, however, to appear upon it, by express statement or reasonable intendment, that the authority, which is out of the course of the common law, has been pursued: so, indeed, it must appear on any order made in pursuance of a statute; so on a warrant of commitment, not being in the nature of a conviction, it must appear either on the face of it or by an order to which it refers—*Coster v. Wilson* (22). It is admitted, by the learned counsel for the plaintiff, that there is no case in which a warrant of distress has been held bad on such an objection; and not being therefore bound by authority, and thinking that the same strictness ought not to prevail as in convictions, and that the authority of the Magistrate, and the due mode of proceeding do sufficiently appear on the warrant, we think that it was good, and that the defendant is entitled to a verdict. The rule, therefore, must be absolute.

Rule absolute.

[IN THE EXCHEQUER OF PLEAS.]

1847. }
Jan. 29. } THE QUEEN v. GAMBLE.

Conviction under Excise Act, 7 & 8 Geo. 4. c. 53, on one of several Counts—Appeal, Notice of—Evidence—Case under sec. 82.—Certiorari.

(21) 7 Term Rep. 270.

(22) 3 Mee. & Wels. 411; s. c. 7 Law J. Rep. (N.S.) M.C. 83.

By the Excise Act, 7 & 8 Geo. 4. c. 53. s. 82. the officer or any party aggrieved by the decision of Justices has a right of appeal to the Quarter Sessions upon giving certain notices. Sect. 84. requires the Quarter Sessions to rehear upon oath, and to examine the same witnesses, and no others, on which the original judgment was given, and gives them power on such appeal to reverse or confirm, either in whole or in part, the judgment appealed against, or to give such new and different judgment as they in their discretion shall think fit.

An information contained four counts; and the Justices convicted the defendant on the fourth, and acquitted him on the others:—Held, that a notice of appeal by the defendant against the said judgment was limited to the judgment on the fourth count; and that, on the hearing of the appeal, the evidence must be confined to that count.

Upon a case stated under the 84th section, it is unnecessary to bring the record before the Court by certiorari: if the facts appear by affidavit it is sufficient.

This was an appeal against a conviction, by Justices of the Peace, for the borough of Leeds, in the county of York.

At the trial, before Thomas Flower Ellis, Esq., recorder of Leeds, at the Borough sessions, held on the 31st of December 1845, the conviction was quashed, and the judgment of the Justices reversed, subject to the opinion of the Court on the following

CASE.

On the 26th of September, in the year 1845, Joseph Bedford, one of her Majesty's officers of Excise, exhibited an information against Samuel Gaunt Gamble, before a Justice of the Peace for the said borough of Leeds. The information contained four counts. The first charged that the defendant, being a maltster, did give to one A. B., then being an officer of Excise, two securities for sums of money, amounting together to the sum of 20*l.*, in order to corrupt and prevail upon the said A. B., so being such officer as aforesaid, to neglect and forbear, and omit to do his duty, &c. The second charged, that the defendant offered to give the same securities to the said A. B. with the like object. The third charged, that the defendant did give

two bank notes for the payment of divers sums of money, amounting in the whole to 20*l.*, to the said A. B. with the like object. The fourth charged, that the defendant offered to give two bank notes to the said A. B. with the like object.

On the 13th of October 1845, three Justices of the Peace for the said borough convicted Gamble of the offence charged in the fourth count, and adjudged that he had forfeited for his said offence the sum of 500*l.*, which they then mitigated to the sum of 152*l.* They also adjudged that he was not guilty of the several offences charged upon him in and by the first, second, and third counts of the information, and acquitted him thereof accordingly. At and immediately upon the giving of the said judgment, Gamble gave notice, in writing, of appeal from the said judgment, to the general Quarter Sessions for the said borough next after the expiration of twenty days from the giving of such judgment, which notice was in the following form:—

“Take notice, that I shall appeal to the general Quarter Sessions of the Peace, to be holden next after twenty days from the date hereof, in and for the borough of Leeds, in the county of York, from the judgment given this day by Darnton Lupton, Joseph Robert Atkinson, and William Pawson, esquires, being three of her Majesty's Justices of the Peace, in the matter of an information exhibited by you on behalf of her Majesty, as well as for yourself, against me for recovery of the penalty of 500*l.* for breach of the Excise laws, and by which judgment I feel myself aggrieved. Dated at Leeds, in the said borough of Leeds, this 13th of October 1845.

“Samuel Gaunt Gamble.”

At the trial of the appeal, after the case for the respondent was closed, the recorder found and adjudged that the appellant was not guilty of the charge contained in the fourth count. The counsel for the respondent thereupon submitted, that the second count was proved, and that the recorder ought to give judgment upon that count, inasmuch as the appellant had given notice of appeal against the entire judgment given by the Justices. The only judgment which, in his discretion, the recorder thought fit to give as to the fourth count, was to reverse the judgment of the Justices on that count;

but in order to prevent the case from being sent down to the Sessions to be re-heard, he found as a fact, that the appellant was guilty of the offence charged in the second count, and was not guilty of the offences charged in the first, third, and fourth counts respectively; but such finding was conditional only, and was not to be of any force or validity, unless the Court of Exchequer should be of opinion, that he ought to have given judgment upon the second count. The point for the opinion and direction of the Court of Exchequer on these facts, therefore, was, whether the recorder was entitled to give judgment of conviction on the second count of the information or not.

Pashley (Jan. 28) for the defendant, objected *in limine* that the case was not properly before the Court on affidavit, and that a writ of *certiorari* taking the record before the Court was necessary.

The Attorney General (Sir J. Jervis).—The Recorder has given only a conditional judgment, and there is no record to bring up. This course was adopted in a former case under the same statute—*The Queen v. Woodrow* (1).

POLLOCK, C.B.—This case comes to us by the direction and authority of a Court requiring our opinion, having power to ask for it under the 43 Geo. 3. c. 79. s. 39, and we have simply to give our opinion on the facts.

J. T. Ingham, for the Crown.—The real question on this case is, whether the Recorder was right in refusing to go into the case for the Crown on the second count, which depends on the true construction of the statute 7 & 8 Geo. 4. c. 53. ss. 65, 82, 83. By the first of these sections, the information may be exhibited before the Justices, who are thereupon authorized to proceed to the examination of the fact or facts in the information alleged, and to give judgment for any penalty or penalties which, upon the due examination of one or more credible witnesses, shall be found to be incurred.

Section 82. enacts, “That in case any officer of Excise who shall exhibit any information, or any person or persons against whom any information shall have been ex-

(1) 15 Mee. & Wels. 404; s. c. *ante*, p. 122.

hibited, or who shall appear and claim any goods, commodities, or chattels, alleged to be forfeited in any information exhibited before the Commissioners of Excise, shall feel aggrieved by the judgment given therein by such Commissioners, it shall be lawful for such officer, or such person or persons, upon giving such notice as hereinafter mentioned, to appeal therefrom to such Commissioners of appeal as aforesaid; and it shall be lawful for such Commissioners of appeal, or the major part of them, upon being served with such notice, and they are hereby respectively authorized and required, at such place and at such time as they shall in that behalf appoint, to hear, adjudge, and finally determine such appeal, and in case any officer who shall exhibit any information, or any person or persons against whom any information shall have been exhibited, or who shall exhibit any information, or any person or persons against whom any information shall have been exhibited, or who shall appear and claim any goods &c., alleged to be forfeited in any information, exhibited before any Justice or Justices of the Peace, as aforesaid, shall feel aggrieved by the judgment given thereon by such Justices, it shall be lawful for such officer, or such person or persons, upon giving such notice as hereinafter mentioned, to appeal therefrom to the Justices assembled at the next general Quarter Sessions of the peace, &c., upon being served with such notice, and they are hereby respectively authorized and required, at such general Quarter Sessions, to hear, adjudge, and finally determine such appeal," &c. Section 83. requires notice of the appeal to be given to the Justices, and the adverse party. And by section 84, it is enacted that "upon every such appeal, it shall be lawful for the Justices of the Peace at the general quarter sessions, before whom any such appeal shall be brought; and they are hereby authorized and required to proceed to rehear upon oath, and to re-examine the same witnesses, and to reconsider the same evidence and the merits of the case whereon the original judgment appealed against shall have been given, and they shall not examine any evidence or any witness or witnesses, other than, or different from, the evidence and the witness or witnesses which and who shall have been examined

before the Justices at the trial and hearing of the information upon which the original judgment shall have been given; and the Justices of the Peace at Quarter Sessions are hereby authorized and empowered, on any such appeal, to reverse or confirm, in whole or in part, the judgment appealed against, or to give such new or different judgment as they in their discretion shall in that behalf think fit; and such Justices of the Peace at Quarter Sessions shall, in any such new or different judgment, have the same power of mitigation as is by this act given to Justices of the Peace in judgments given by them. Provided always, that it shall be lawful for such Justices of the Peace at such Quarter Sessions, at their discretion, to state the facts of any case in which such appeal shall be made, specially for the opinion and direction of the Court of Exchequer." Now the effect of that section is, that, upon appeal, every question exhibited on the information, is open before the Quarter Sessions. The appeal operates as a *certiorari*, to remove the record to another tribunal. It is similar to a new trial, *de jure*; and where a new trial is granted, *ex debito justitiæ*, on one of several issues, the effect is to re-open the whole record—*Earl of Macclesfield v. Bradley* (2), and *Hutchinson v. Piper* (3). The same principle applies to criminal cases—*The King v. the Inhabitants of Bramley* (4).

[PARKE, B.—In truth the trial of the defendant is on several indictments; and if there is a conviction on one the appeal is from that conviction only.]

The 82nd section gives the appeal against the judgment on the *information*. The intention was, in case of an appeal to re-open the whole case. The 84th section shews that; it directs the court of appeal to re-hear and re-examine the same witnesses, and re-consider the same evidence, and the merits of the case whereon the judgment was given, and it may reverse the same either in whole or in part.

[PARKE, B.—The defendant has had no notice of appeal against the other counts,

(2) 7 Mee. & Wels. 570; s. c. 10 Law J. Rep (N.S.) Exch. 182.

(3) 4 Taunt. 555.

(4) 6 Term Rep. 330.

and would not come prepared with evidence.]

The officers is not a party aggrieved, and could not appeal; but he has been misled by the generality of the defendant's notice of appeal, and led to believe it was against the judgment on the whole information.

Pashley, contra.—The defendant can hardly be supposed to be aggrieved by his acquittal, and he appeals only against that which aggrieves him. The officer might have appealed, if he felt aggrieved by the defendant's acquittal. Not having given the proper notice, he must be taken to have waived his right.

Ingham, in reply.

Cur. adv. vult.

The judgment of the Court was now delivered by—

POLLOCK, C.B.—This case comes before the Court on a special case stated by the learned recorder of Leeds for our opinion, under the stat. 7 & 8 Geo. 4. c. 53, for the regulation of the Excise revenue; and the main question on which the argument at the bar turned was, whether the recorder had the power of entering upon the whole information under the circumstances under which it came before him, or whether his jurisdiction was confined to that count on which the Justices below had convicted the defendant, and against which conviction he had given the notice of appeal required by the act. The Justices, it should be stated, had acquitted him on the second count of the information; and against that decision, though it was in his power to do so, the officer had not given any notice of appeal. On the part of the Crown, it was argued, that the notice of appeal by the defendant re-opened the whole case before the recorder, and that it was competent to the officer to give, and incumbent on the recorder to receive, evidence affecting the second count as well as the fourth. But the defendant contended, that the inquiry was limited to the charge in the fourth count, in respect of which alone was there any notice of appeal; and that, as the recorder was of opinion that there was no evidence to support that charge, there ought to be a general acquittal. On this

point we are unanimously of opinion that the contention of the defendant is correct, and ought to prevail. It is evident from the case as framed by the learned recorder, that he entertained very considerable doubts as to his power to go into the case on any other than the fourth count, and we think those doubts were well founded. It is clear, that his jurisdiction only extended to that particular part of the judgment below against which there was an appeal, as testified by the notices. Both sides might have appealed, for the judgment below was both for and against each side, but the defendant alone has appealed. It must be granted that no man would appeal against a judgment in his favour. The defendant could not, therefore, be supposed to have intended, by his appeal, that he was dissatisfied or aggrieved (which are the words of the statute) by the judgment on the second count. His notice of appeal, therefore, did not affect that judgment, which stood on that count unappealed against as far as he was concerned. Then, as the officer did not think proper to give any intimation of his dissatisfaction with that judgment of acquittal, the defendant would naturally go before the recorder solely with a view to, and with evidence to oppose, the charge on the fourth count, which might be of a totally different character from that in the other counts. He is, therefore, totally unprepared to support the judgment in his favour; and as it was quite competent to the officer to give him formal notice to that effect, it would be most unfair to call upon him a second time to refute a charge which he might reasonably suppose to be binding on both parties. The statute, therefore, must be so construed as to render a notice of appeal necessary on the part of the Crown as well as of the defendant in such a case; and in the absence thereof, the inquiry before the court of appeal must be limited to the particular count affected by the notice actually given. For these reasons, we think that the defendant is entitled to our judgment on this point, which, as it is conclusive of the whole case, renders any judgment on the others unnecessary.

Judgment for the defendant.

1847. } THE QUEEN v. THE RECORDER
Jan. 29; } OF LEEDS.
April 17. } EASINGWOLD v. LEEDS.

Appeal—Actual Removal—Practicable Sessions—"Persons aggrieved by the Judgment of the Justices."

An order of removal was made from parish A. to parish B, and the notice of chargeability and copies of the order and examination were sent to parish B. in sufficient time to enable them to appeal at the next following Sessions. There was no appeal to those Sessions; and the paupers were afterwards removed to parish B:—Held, that parish A. might treat the removal as the grievance, and appeal to the Sessions next after such removal.

An order of removal of paupers from Leeds to Easingwold was made on the 15th of April 1846, and copies of this order and of the examinations were served on the appellant parish on the 30th of April. The next Quarter Sessions for the borough of Leeds were held on the 7th of July. No notice of appeal was given for those Sessions, nor was any appeal entered at those Sessions. The paupers were removed from Leeds to Easingwold on the 18th of July. On the 12th of September notice of appeal was given for the October Sessions. At those Sessions the appeal was called on, when it was objected that the appellants, having passed over the first practicable Sessions after the order of removal was made, could not now appeal. The recorder overruled the objection, and on the hearing quashed the order of removal.

R. Hall now moved for a rule *nisi* for a *certiorari* to bring up the order made by the recorder of Leeds, quashing the order of removal. He referred to *The Queen v. the Justices of Herefordshire* (1), *The Queen v. the Justices of Salop* (2), and *The Queen v. the Justices of the West Riding* (3), where all the cases bearing on the subject were reviewed by Wightman, J. The object of the Poor Law Amendment Act was not to

give a new right of appeal, but to regulate the practice with reference to that which previously existed. The grievance begins at the time the notice of chargeability and the other documents are sent. There cannot be an intermittent grievance.

[COLERIDGE, J.—The judgment of Wightman, J. proceeded on the ground that there were two grievances.]

But that is inconsistent with the provisions of the statute. There never was any right of appeal against the removal; the appeal is against the judgment of the Justices, and the mistake has arisen from an inaccurate report of *The King v. Norton* (4).

[COLERIDGE, J.—Where an order had been superseded under 35 Geo. 3. c. 101. s. 2. the appeal was against the order.]

If there be a grievance, it is the first judgment of the removing Magistrates. All that follows is merely the consequence. It is clear that the new statute is framed throughout as if it was dealing with the old right of appeal.

[PATTERSON, J.—In *The Queen v. the Justices of Middlesex* (5) this very point appears to have been decided.]

In *Vin. Abr.* 'Sessions,' E, 343, a case of *The Queen v. Cripps* is referred to, from which it would appear that the grievance is the notice of the order. In *The King v. the Inhabitants of Bishop Wearmouth* (6) it is clear that it could only be on the ground that the appellant parish was affected by the order, that they were held entitled to appeal. This was expressly decided in *The King v. the Justices of Pembrokeshire* (7), where the grievance was the stopping of a highway. The 84th section of the Poor Law Act, by imposing the cost of maintenance from the time of the order on the appellant parish, also makes the order the grievance—*The Queen v. the Inhabitants of Sow* (8). The next practicable Sessions, in the case of an appeal against an order of removal, are those which allow the twenty days mentioned in section 79, and the fourteen days

(4) 2 Stra. 831.

(5) 9 Dowl. P.C. 163.

(6) 5 B. & Ad. 942; s. c. 3 Law J. Rep. (N.S.) M.C. 61.

(7) 2 East, 213.

(8) 4 Q.B. Rep. 93; s. c. 12 Law J. Rep. (N.S.) M.C. 38.

(1) 8 Dowl. P.C. 638.

(2) 6 Ibid. 28.

(3) 2 Dowl. & L. 488; s. c. 14 Law J. Rep. (N.S.) M.C. 11.

mentioned in section 81. But what can be considered the next practicable Sessions in the case of an actual removal?

Cur. adv. vult.

The judgment of the Court was subsequently delivered by—

LORD DENMAN, C.J.—This was a motion made by Mr. Hall on behalf of the township of Leeds for a *certiorari* to bring up an order of Sessions, on the ground that an appeal against an order of removal must be made at the first practicable Sessions after the order is made and served; and that an appeal at the first practicable Sessions after the actual removal is too late. If it be out of time, calculating from the service of the order, yet it has been the ordinary practice, since the case of *The Queen v. the Justices of Salop*, to consider the actual removal of a pauper as the grievance to be appealed against; and we have paused before we have granted a rule that might produce, for a time at least, uncertainty in the practice. The motion is founded on the stat. 4 & 5 Will. 4. c. 76. ss. 79. and 81; and a case in the Bail Court, before Mr. Justice Wightman, *The Queen v. the Justices of the West Riding of Yorkshire*, was cited, in which he considered that the making and serving an order of removal, with notice of chargeability and copy of examinations, might, since the passing of the stat. 4 & 5 Will. 4. c. 76, constitute a sufficient grievance to warrant an appeal. In coming to this conclusion there was no intention to overrule the case of *The Queen v. the Justices of Salop*, as to the point determined in it, that the appellants may treat the actual removal as a grievance to be appealed against; but Mr. Justice Wightman considered that the appellant might, if he pleased, treat either the service of the order of removal with notice of chargeability and copy of the examinations, or the actual removal of the pauper, as the grievance to be appealed against, and that no practical inconvenience could arise from giving the appellants such an option, but rather the contrary; and in this view of the case we concur. And though it was contended, that Mr. Justice Littledale, in the case of *The Queen v. the Justices of Salop*, not only considered that the actual removal must be treated as a grievance, but that the service of the order,

with notice of chargeability and copy of examinations, did not constitute a grievance which could be the subject of appeal, and that on that latter point his judgment was at variance with the case of *The Queen v. the Justices of the West Riding of Yorkshire*, we think that those decisions are not inconsistent on the point in question, and that the appellants may treat either the service of the order of removal, with notice of chargeability and copy of examinations, as a grievance against which they may appeal, as was held in the latter case, or treat the actual removal of the pauper as the grievance, as was held by Mr. Justice Littledale; and this view of the case is in accordance with the view of Mr. Justice Patteson, in the case of *The Queen v. the Justices of Middlesex*. We, therefore, think it desirable to declare immediately that we entertain no doubt on this subject, and that the practice which has long prevailed is to continue; and, of course, therefore, there will be no rule granted in this case.

Rule refused.

[IN THE EXCHEQUER OF PLEAS.]

1847. }
June 1. } HAMMOND v. PEACOCK.

Gaol—Statutes 4 Geo. 4. c. 64, 7 Will. 4. & 1 Vict. c. 78. s. 38, 2 & 3 Vict. c. 56, Construction of—Appointment of Surgeon to Borough Gaol.

The 2 & 3 Vict. c. 56. s. 1, which enacts that the 4 Geo. 4. c. 64. shall extend to all gaols except &c., is to be construed with reference to the 7 Will. 4. & 1 Vict. c. 78, and its effect is to put all borough gaols, with reference to the 4 Geo. 4. c. 64, on the same footing with the gaols of the boroughs enumerated in Schedule A. of that act, so as to affect them by the provisions of that act, and by all subsequent enactments relative thereto. The appointment, therefore, of a surgeon of a gaol of a corporation is vested in the Justices of the borough, and not in the Recorder or town council; and they are to make the appointment at a quarterly sessions, and at a subsequent sessions to direct a reasonable sum to be paid to him as salary, and also sums of money for medicines and other articles.

Seemle—the appointment is not within the terms of the proviso in the 38th section of 7 Will. 4. & 1 Vict. c. 78. s. 38, and, therefore, does not require the confirmation of the town council.

The following case was, by consent of parties, submitted for the opinion of this Court:—

The borough of Ipswich, in the county of Suffolk, is one of the boroughs named in the Schedule A. to the act passed in the year 1835, for the regulation of Municipal Corporations in England and Wales. The said borough of Ipswich had a corporation of prescription, regulated by several charters, but was principally governed by a charter of King Edward 4, confirmed by charter of 17 Car. 2. By the charter of 3 Edward 4, the town was incorporated by the name of The Bailiffs, Burgesses, and Commonalty of the town of Ipswich; and the corporation consisted of two bailiffs, a recorder, twelve portmen, and twenty-four common councilmen, and an indefinite number of free burgesses. The two bailiffs annually chosen, and four of the twelve portmen, annually selected by the bailiffs upon or immediately after the election of the latter, were Justices of the Peace for the said borough, within the said town, and as such held sessions of the peace, half yearly, for the trial of felonies, &c. until the year 1833, when they first began to hold sessions quarterly. There was a gaol in the said borough, of which the bailiffs were the keepers. In the year 1806 the Justices in sessions appointed a gaoler, chaplain, and surgeon to the said gaol, and from that time the prisoners were committed thereto for trial for felonies and misdemeanours, &c. In pursuance of the 98th section of the said act for the regulation of municipal corporations in England and Wales, a commission of the peace was, A.D. 1836, duly assigned for the said borough, by which parties were assigned to act as Justices of the Peace for the borough, and such persons have since acted and now act as Justices thereof; and the council of the said borough having signified by petition to his late Majesty King William the Fourth, in council, in accordance with the 103rd section of the said act, that they were desirous that a special Court of Quarter Sessions of the Peace should be continued

to be holden in and for such borough, His Majesty, thereupon, at Westminster, the 4th day of March, in the 6th year of his reign, granted that a separate Court of Quarter Sessions of the Peace should be thenceforth holden in and for the said borough; and a Recorder was also therein duly appointed; and the said Court of Quarter Sessions has always since been duly held by the said Recorder.

Previous to the year 1806 no surgeon or other medical officer was ever appointed for attending the prisoners confined in the borough gaol of Ipswich.

In the year 1806 the Recorder and Justices of the said borough, assembled in Quarter Sessions, by their certain order, ordered the payment to Mr. Henry Seekamp, an apothecary, of 10*l.* 10*s.*, as a year's salary for attending the prisoners in the said gaol, out of the rate in the nature of a county rate levied within the borough under the provisions of the act passed in the 13 Geo. 2. for (amongst other things) extending the powers and authorities of Justices of the Peace of counties touching county rates, to the Justices of the Peace of such liberties and franchises as have commissions of the peace within themselves; and similar orders were made each succeeding year for the payment to Mr. Seekamp of the like sum until the year 1815, when the amount was increased to 50*l.* per annum, which latter sum was paid to Mr. Seekamp regularly each year till the time of his death; and he regularly attended the prisoners in the gaol and provided all necessary medicines.

Mr. Seekamp died in the year 1819; and on the 23rd of October in that year the Recorder and Justices of the borough, in Quarter Sessions, appointed the plaintiff (who was and still is duly qualified according to law) to be surgeon to the gaol, and from the time of his appointment down to the time of passing of the said act for the regulation of municipal corporations the plaintiff regularly received each year out of the said rate for the said borough levied under the said act passed in the 13 Geo. 2. the salary of 50*l.* for medicine and attendance on the prisoners confined in the said gaol.

After the passing of the said act for the regulation of municipal corporations, the office of treasurer of the said rate in the

nature of a county rate was abolished; and the said plaintiff continued to hold his said office of surgeon, and down to and including the year 1844 the plaintiff has received each year from the treasurer of the borough fund of the said borough, by the order of the said council of the said borough, the said salary, and he has from the time of his first appointment in the year 1819 down to the 9th of November 1844 performed all the duties of surgeon to the said gaol.

The gaol of Ipswich is not exclusively used for the confinement of debtors.

At a meeting of the council of the borough held on the 9th of November 1844 a resolution was passed by the council for the removal of the plaintiff from the office of surgeon to the gaol; and such removal was acquiesced in by the said plaintiff, who claimed compensation for the loss of his office, and which claim was rejected by the council, and at the same time Mr. Webster Adams was appointed to that office by the council at a salary of 30*l.* per annum, and continued to act in and perform the duties of the said office without any objection on the part of the Recorder or Justices of the said borough until the month of January 1845, when he resigned the office.

At a quarterly meeting of the council, held on the 29th of January 1845, the council appointed Mr. Wm. Bell Sanderson to the said office in the room of the said Webster Adams; and he continued to act in and perform the duties of the said office (without any objection on the part of the said Recorder or Justices) until the 23rd or 24th day of June, when he died. And at a subsequent quarterly meeting of the council of the borough, held on the 30th of July 1845, the defendant was appointed to the office of surgeon to the gaol by the council of the borough in the room of the said Wm. Bell Sanderson deceased, and he has from that time to the present performed the duties of surgeon to the gaol. The said Webster Adams, Wm. Bell Sanderson, and the defendant have from time to time been respectively paid a salary as such surgeons at the rate of 30*l.* per annum by order, the council directing the treasurer for the time being of the borough to pay certain sums in such orders mentioned to each of them specifically by name. There was no fund whatever specially applicable to the payment of the

surgeon to the gaol, nor are there any fees or emoluments attached to the office or payable of right to such surgeon, and the only fund out of which the same can be paid is the borough fund of the said borough.

The Justices of the borough at a Quarterly General Session, held by them for that purpose on the 25th day of July 1845, being the usual time of holding quarter sessions of the peace for the borough, appointed the plaintiff to the office of surgeon to the gaol, at a salary of 30*l.* per annum, to commence from that day, and he has from that time to the present performed the duties of surgeon to the gaol; and at a General Quarter Sessions of the Peace for the borough, held on the 19th day of October 1845, the Recorder of the borough also appointed the plaintiff to such office at the same salary. It is admitted, only for the purpose of raising the question in this case, and for no other purpose, that on the 10th of November 1845, and before the commencement of this action, the treasurer of the said borough of Ipswich received a sum of 10*l.* 16*s.* to be paid over by him, and which he agreed to pay over to the surgeon of the said gaol. The plaintiff and the defendant respectively gave him notice of their appointments, and each of them requested him to pay the said sum to him. The treasurer afterwards, and before the commencement of this action, paid the said sum of 10*l.* 16*s.* to the defendant, and the defendant received the same before the commencement of this action, with full notice of the plaintiff's claim to be surgeon, and of his having claimed the said sum of money as such surgeon; and it is admitted for the purposes of this case only, that the plaintiff is entitled to recover the said money as money received to his use by the defendant, if he was duly appointed and was the surgeon of the said gaol to hold the said office at the time of the payment to the defendant.

The question for the opinion of the Court is, whether the plaintiff was, under the circumstances, duly appointed surgeon, and entitled to hold the said office at the time when the said sum of 10*l.* 16*s.* was so received by the said defendant as aforesaid. If this Court should be of opinion that he was then duly appointed and entitled to hold the said office of surgeon, judgment was

to be entered for the plaintiff by confession, otherwise, a *nolle prosequi* was to be entered.

The case was argued on the 28th of April and on the 3rd of May by—

Crompton, for the plaintiff; and
O'Malley, for the defendant.

The following cases and statutes were cited and referred to on behalf of the plaintiff:—

4 Geo. 4. c. 64. s. 33.

5 & 6 Will. 4. c. 76. s. 116.

2 & 3 Vict. c. 56. s. 1.

The Queen v. the Bishop of Bath and Wells, 5 Q.B. Rep. 147; s. c. 12

Law J. Rep. (N.S.) Q.B. 324.

7 Will. 4. & 1 Vict. c. 78. s. 38.

The Queen v. the Recorder of Hull, 8 Ad. & El. 638; s. c. 7 Law J. Rep. (N.S.) M.C. 100.

The following authorities and statutes were cited on behalf of the defendant:—

5 & 6 Will. 4. c. 76. ss. 38, 98, 101, 116.

4 Geo. 4. c. 64. ss. 10, 12, 50, 54, 59, 68.

The Queen v. the Bishop of Bath and Wells.

2 & 3 Vict. c. 56. ss. 1, 2, 16, and the Schedule.

7 Will. 4. & 1 Vict. c. 78.

The Queen v. the Recorder of Hull.
Cur. adv. vult.

The judgment of the Court was now pronounced by—

POLLOCK, C.B.—This was a special case, argued last term; and the question submitted for our decision was whether, under the circumstances stated in the case, the plaintiff was duly appointed surgeon to the borough gaol at Ipswich, and entitled to hold that office, on the 10th of November 1845. If he was, then, by the agreement of the parties, the plaintiff is to have judgment for a sum of 10l. 16s., otherwise a *nolle prosequi* is to be entered. In order to enable us to decide the case, we must endeavour to reconcile, so far as is possible, the enactments of several modern acts of parliament, framed apparently without due regard to their bearing on one another. The material facts are very simple. On the 25th of July 1845, being the exact time of holding

Quarter Sessions of the Peace at Ipswich, the borough Justices held a quarterly gaol session, and then and there appointed the plaintiff to the office of surgeon to the borough gaol, at a salary of 30l. per annum; and he has ever since performed the duties of that office. At the General Quarter Sessions of the Peace for the borough, holden on the 15th of October following, the Recorder appointed the plaintiff to the same office, at the same salary, so that if the appointment rests with the Justices, or with the Recorder, the plaintiff was well appointed, and was entitled to hold the office on the 10th of November, and so will be entitled to a verdict. The first statute which we need notice, relating to the appointment of surgeons to gaols, is the 14 Geo. 3. c. 59. By the 1st section of that statute the Justices in Quarter Sessions assembled are authorized and required to do various acts there mentioned, for the purpose of preserving health amongst the prisoners, and, amongst other things, to appoint an experienced surgeon or apothecary at a *stated salary*, to attend to the prisoners in the gaol. This statute, which is general, and applies to all gaols whatever, was in operation until the passing of the 4 Geo. 4. c. 64, which repealed it so far as related to county gaols and the gaols of certain enumerated cities and boroughs, not including Ipswich. Although however it was so far repealed, yet by the 33rd section of that statute a provision nearly the same was introduced. It enacted that the Justices in general or quarter sessions assembled should, from time to time, appoint a surgeon to each of the prisons within their jurisdiction; and it further enacted, that it should be lawful for the Justices at every general or quarter sessions, *after such appointment*, to direct a reasonable sum to be paid as salary to such surgeon, and also such sums of money as should be due for medicines. From the time, therefore, of the passing of this last statute, the appointment of the surgeons to all gaols continued to be exercised by the Justices assembled in Sessions, *scil.* as to county gaols and certain enumerated borough gaols under the 4 Geo. 4. c. 64. s. 33, and as to all other borough gaols under the old statute 14 Geo. 3. c. 59. s. 1.

So matters rested until the passing of the

Municipal Reform Act, 5 & 6 Will. 4. c. 76. By the 116th section of that statute it is enacted, that the town council of the boroughs enumerated in the 4 Geo. 4. c. 64. shall, thenceforth, have all the powers which the Justices of sessions possessed under that act, and this clearly gave to the town council of the boroughs so enumerated the power *inter alia* of appointing the surgeons. But as Ipswich is not one of the places enumerated in the 4 Geo. 4. c. 64, the enactment did not affect that borough. The only other clause in the Municipal Act material to the present question is the 105th, which enacts, that the Recorder of every borough shall hold quarterly sessions of the peace, at which he shall be the sole Judge; and such Quarter Sessions shall have cognizance of all crimes and matters whatsoever cognizable by any Court of Quarter Sessions, and the Recorder shall have full power to do all things necessary for the exercise of such jurisdiction.

It seems to us clear that, under this clause, the Recorder, so far as relates to the boroughs not enumerated in the 4 Geo. 4. c. 64, had the same power of appointing a surgeon as had been previously exercised by the borough Justices in quarter sessions assembled. Such was the principle on which the Court of Queen's Bench decided the cases of *The King v. the Recorder of Hull*, *The King v. the Inhabitants of St. Lawrence, Ludlow*(1), and some other cases. The result, therefore, is, that after the passing of the Municipal Act, the power of appointing the surgeon of the gaol was vested, as to the cities and boroughs enumerated in the 4 Geo. 4. c. 64, in the town council; and as to all other boroughs, regulated by the Municipal Act, in the Recorder.

But this state of things did not last very long. Neither the town council nor the Recorder were very fit functionaries for the ordering and governing of prisons, and, accordingly, by an act passed two years after the passing of the Municipal Reform Act, namely, 7 Will. 4. & 1 Vict. c. 78, entitled, 'An act to amend an act for the regulation of Municipal Corporations in England and Wales,' it was enacted, in section 38, that all the powers of regulation which,

before the passing of the Municipal Reform Act, were possessed by the Justices, and all things by any act of parliament provided to be done at any Quarter Sessions of the Peace, in relation to the regulating of any such gaol should be exercised by the borough Justices, who should, for that purpose, hold a quarter session at the usual times of holding the quarterly sessions of the peace, "Provided that no order of the Justices which should require the expenditure or payment of money, should be of force until confirmed by the council." The appointment of a surgeon is clearly an act provided by an act of parliament to be done at Quarter Sessions in relation to the regulating gaols. It forms one of several matters of regulation directed to be done by the 14 Geo. 3. c. 59, and as to which every gaoler was, by the 29 Geo. 3. c. 67, required to make regular returns, stating how far the exigency of the statute has been complied with. The effect, therefore, of this last act (7 Will. 4. & 1 Vict. c. 78), was to restore to the borough Justices the power which they possessed before the passing of the Municipal Act, of appointing a surgeon; only instead of making the appointment when assembled in Quarter Sessions, they were to make it at a quarterly meeting, held at the same time at which the Quarter Sessions of the Peace is held; a provision rendered necessary by the change in the constitution of the Court of Quarter Sessions, under which the Justices ceased to be a constituent part of the Court. It may be observed, that the operation of the last statute was somewhat different in respect of the boroughs enumerated in 4 Geo. 4. c. 64. and those not so enumerated. As to the latter, the Justices at the time of the passing of the Municipal Reform Act appointed the surgeon under the provisions of the 14 Geo. 3. c. 59, whereas, in respect to the enumerated boroughs the appointment was made by virtue of 4 Geo. 4. c. 64. s. 34. Under the former statute the Justices are required to appoint a surgeon at a *stated salary*, whereas under the 4 Geo. 4. c. 64. s. 33, which regulates the course to be pursued as to the enumerated boroughs, the Justices are simply to appoint a surgeon, and then, at every succeeding session, the Justices are authorized to order a reasonable sum to be paid to him for salary and medicine. The

(1) 11 Ad. & El. 170.

appointment is complete without any reference to remuneration, the amount of which is to be fixed at some subsequent session.

Now, Ipswich not being one of the enumerated boroughs, the duty of the Justices, after the passing of the 7 Will. 4. & 1 Vict. c. 78, was to appoint a surgeon at a *stated salary*; and it was argued that under the proviso contained at the end of the 38th section of that statute, the appointment would be of no force until confirmed by the town council, inasmuch as the appointment necessarily entailed on the borough the payment of money. If it was necessary to decide this point, we should probably hold that the case did not come within the proviso in question. The appointment of an officer to watch over the health of the prisoners is hardly to be described as *an order made by the Justices*: it is rather an act done by them in obedience to the positive injunction of an act of parliament, and so not within that proviso at all. It is, however, unnecessary to decide this point, for we are all of opinion that the effect of 2 & 3 Vict. c. 56. s. 1. is to put all the boroughs regulated by the Municipal Act on the same footing as those which were previously regulated by 4 Geo. 4. c. 64. The words of the enactment are that the 4 Geo. 4. c. 64, (subject to certain qualifications not material to the present question,) shall extend to every gaol in England, not used exclusively for the confinement of debtors, except the Queen's Bench and Fleet Prison, and the Millbank Penitentiary.

Now, before the passing of this last act, the 4 Geo. 4. c. 64. did extend to some boroughs, subject, however, to certain qualifications contained in the 7 Will. 4. & 1 Vict. c. 78, rendered absolutely necessary by the circumstances, that since the passing of the Municipal Act the Justices never can be assembled in Quarter Sessions; and, therefore, the 4 Geo. 4. c. 64, so far as it gives power to the Justices in Quarter Sessions assembled, cannot be strictly in terms executed in any borough to which the Municipal Act applies. But we think that when the 2 & 3 Vict. c. 56. enacts, that the 4 Geo. 4. c. 64. shall extend to all gaols, it must be construed with reference to the 7 Will. 4. & 1 Vict. c. 78. The meaning of the act was to put all borough gaols, with reference to the 4 Geo. 4. c. 64,

on the same footing with the gaols of the boroughs there enumerated, as if that statute had extended to *all* boroughs. It could not have been intended to repeal or affect the enactment of the 7 Will. 4. & 1 Vict. c. 78, which were absolutely necessary in order to enable the provisions of the 4 Geo. 4. c. 64. to be carried into effect. And this was, we conceive, what was meant by Lord Denman, when he says in the case of *The Queen v. the Bishop of Bath and Wells*, that the statute 2 & 3 Vict. c. 56. was framed with a view to the existing state of things in every borough. It must be read as if it placed all boroughs in the schedule to the 4 Geo. 4. c. 64. so as to affect them all by the provisions of that act, and by all subsequent enactments relative thereto.

The result, therefore, of our judgment is, that the plaintiff was duly appointed surgeon by the Justices on the 25th of July 1845; and as he certainly continued to hold that office on the 10th of November 1845, he is, by the express agreement of the parties, entitled to judgment.

Judgment for the plaintiff.

1847. } THE QUEEN v. THE INHABIT-
April 28; } ANTS OF MARTON-CUM-GRAF-
July 7. } TON.

Examinations—Statement of Marriage—Place—Certainty—Certificate Man—Lease of a Tenement under 9 & 10 Will. 3. c. 11.

It is wholly unnecessary that an examination which states a marriage and the time it took place should also state the place.

The examination shewed a certificate granted to the pauper's father by the appellant to the respondent township in 1812, and a continuous residence in the respondent township from that time to the present. One of the grounds of appeal stated that the pauper's father in 1821, 1822, 1823 gained a settlement in the respondent township, by settling upon, renting, and occupying certain tenements in that township (which, with the names of the owners, were specifically stated in the ground of appeal):—Held, that such statement did not sufficiently shew a compliance with the 9 & 10 Will. 3. c. 11; and

that the Sessions were right in refusing to go into evidence of such settlement.

The Court will only entertain cases from the Sessions which raise a question, the decision of which will decide the appeal, and will not act on a direction by the Sessions, that in a particular event the case is to be sent back to them to be re-heard.

On appeal against an order of two Justices for the removal of John Coates and Elizabeth his wife, and their two children, from the township of Wath, in the North Riding to the township of Marton-cum-Grafton, in the West Riding of the county of York, the Sessions confirmed the order, subject to a case, which set out (amongst others), first, the examination of the pauper, John Coates; secondly, the examination of the pauper's father, Joseph Coates, which, after stating that he had in 1812 procured a certificate from the township of Marton-cum-Grafton, under the hands and seals of the churchwardens and overseers, &c., directed to the churchwardens and overseers of Wath, acknowledging him to be duly settled in the former township, proceeded as follows:—"Which certificate I delivered to the overseers of the said township of Wath in the year 1812, when I came to reside in that township, and accordingly from that time to this I have dwelt in the said township of Wath, under the said certificate. About the year 1812 I was legally married to my wife Margaret. John Coates, the pauper, was one of our children born after the said marriage; he is now about thirty." The first ground of appeal was, that the grounds of removal, and the facts and evidence in support of the same as set forth in the examination, upon which the said order was made, are not set forth with sufficient certainty and precision, nor are the same sufficiently particular, distinct, and explicit to inform us exactly upon, or as to all, or any, of the circumstances requisite to justify and warrant the said order. The other grounds of appeal, from the first to the fifteenth, traversed matters of fact in the examination, the thirteenth being, that John Coates was not the son of Joseph Coates. Fifteenth, that in the years 1817, 1818 and 1819, and in each and in every of them, the said Joseph Coates in the said pretended certificate mentioned acquired a settlement

in the said township of Wath, by reason of his settling upon, and residing, and occupying in each and every of those years a tenement of the yearly value of 10*l.*, which said tenement consisted of a certain tenement situate in your said township of Wath, being a dwelling-house and building rented by the said Joseph Coates of one William Pearson, and of a certain other building situate in your said township, being a shop and building rented by the said Joseph Coates, of his father, Joseph Coates, sen., and of a certain other tenement situate in your said township, being certain cattle-gates, and the pasturage, eating, grass, profits and interest in certain land of the Marquis of Aylesbury, rented by the said Joseph Coates first above mentioned of one William Squires; and of a certain other tenement situate in your said township, being certain other cattle-gates, eating, pasturage, grass, hay, profits and interest in certain land of the Marquis of Aylesbury, rented by the said Joseph Coates first above mentioned of the said Joseph Coates, sen. Sixteenth, that in the years 1820, 1821, 1822, 1823, and 1824, and in each and every of them, the said Joseph Coates first above mentioned gained a settlement in your said township of Wath, by reason of his settling upon, and renting and occupying in each and every of those years of the several persons in that behalf thereafter mentioned a certain tenement situate in your said township of Wath, consisting of a separate and distinct dwelling-house or building of the said Marquis of Aylesbury of the rent of 5*l.* a-year, and of certain land of the said Joseph Coates, sen., of the rent of 6*l.* 10*s.* a-year, and of another separate and distinct building of the said Joseph Coates, sen., of the rent of 1*l.* 10*s.* a-year, and of another separate and distinct dwelling-house or building of the said William Pearson of the rent of 2*l.* 2*s.* a-year, which said last-mentioned tenement so consisting of the premises last aforesaid was *bond fide* rented by the said Joseph Coates first above mentioned, at and for the said several sums respectively in this behalf above mentioned, of the said several persons in that behalf above mentioned, for the term of one whole year in each and every of the said several years, and held and actually occupied for the term of one

whole year under each and every of the said several yearly rentings of the said last-mentioned tenements, and of the said several premises of which the same consisted in your said township of Wath, to wit, by the said Joseph Coates first above mentioned, the said several rents of the same to the amount of 10*l.* a-year for the term of one whole year, and the same having been actually paid in each and every of the said years, to wit, by the said Joseph Coates first above mentioned.

At the trial the counsel for the appellants objected to the examinations, that it was not stated where Joseph Coates was married, from whose settlement in the appellant township by certificate the settlement there of John Coates, the pauper, was alleged to be derived by parentage, no further information being disclosed by the said examinations as to the said marriage than in the words "about the year 1812 I was legally married to my wife Margaret." In answer to this objection, the counsel for the respondents contended, that the appellants having by the grounds of appeal specified and traversed several of the facts stated in the examinations, and thus given notice of what he intended to dispute, all other facts alleged in the said examinations must be taken to be admitted, and therefore that the appellants had admitted that Joseph Coates was legally married, as stated in his examination, and could not under the general head of objection insist that the place where he was married was not stated therein.

After argument, the Sessions, without expressing any opinion upon the materiality of the alleged omission, overruled the objection, but granted a case for the opinion of the Court of Queen's Bench upon the question, whether the said grounds of appeal were sufficient to enable the appellants to take such an objection to the examinations. The Sessions then proceeded to hear the appeal, and the said Joseph Coates having been called by the respondents and proved their case as stated in the examinations, the counsel for the appellants proceeded to cross-examine him in order to establish the subsequent settlement of the said Joseph Coates, stated in the grounds of appeal, when the counsel for the respondents objected to the appellants being permitted

to give any evidence under the fifteenth or sixteenth grounds, of a settlement by renting a tenement in the respondent township, because neither of the said grounds contained any statement that the said Joseph Coates, the person renting and holding the same, had resided forty days in the said township, and because the last of those grounds, namely, the sixteenth, did not contain any statement that the whole of the year's rent for any one of the years mentioned therein had been paid by the said Joseph Coates. In answer to which objection the counsel for the appellants contended that such a statement of residence was unnecessary in the said grounds, because it was contained in the said examinations which sufficiently shewed and supplied it, and there was in the said grounds sufficient reference to the said examinations to incorporate them for this purpose. After argument the Sessions decided that there was not in the said grounds of appeal sufficient reference to the said examinations, to incorporate the statement therein contained of the residence of the said Joseph Coates in the respondent township. The Sessions were also of opinion that the said fifteenth and sixteenth grounds of appeal were bad, because they did not sufficiently shew that the statute 9 & 10 Will. 3. c. 11. (relating to the mode by which only a settlement can be gained by certificated persons) had been complied with; but the Sessions granted a case for the opinion of the Court of Queen's Bench upon both of the above points. The Sessions confirmed the said order subject to the opinion of the said Court of Queen's Bench. If the Court should of opinion that the said statement in the grounds of appeal was sufficient to enable the appellants to take the above-mentioned objection to the examinations, and the omission of the place where the marriage was solemnized was a material one, then the said order was to be quashed. Or if the said Court upon this point should be of a contrary opinion, and yet of opinion that the fifteenth head of the statement of grounds contained a sufficient reference to the said examinations, so as to allow an incorporation of the statement therein contained of the residence of the said Joseph Coates in the respondent township, and also shewed a sufficient compliance with the said

statute of the 9 & 10 Will. 3. c. 11, then the said appeal was to be sent back to the said Court of Quarter Sessions to be heard on the merits, as stated in the said fifteenth ground, otherwise the same order was to be confirmed.

Pashley, in support of the order of Sessions.—First, the objection as to the necessity of stating the place of the marriage could not be taken under these grounds of appeal; secondly, if taken, there is nothing in it; thirdly, it was purely a question for the Sessions. The fact of the marriage is not traversed, only the birth of the pauper. As to the other point, it is quite clear that the statement in the fifteenth and sixteenth grounds of appeal of a settlement by renting a tenement is insufficient—*The Queen v. the Recorder of Leeds* (1). The statute 9 & 10 Will. 3. c. 11. provides, that “no person who shall come into a parish by certificate shall be adjudged by any act whatsoever to have procured a legal settlement in such parish, unless he shall really and *bond fide* ‘take a lease’ of a tenement of the value of 10*l.*, or shall execute some annual office in such parish, being legally placed in such office.” A formal lease in writing is necessary. Besides, a forty days’ residence is not shewn.

Bliss, *contra*.—The demise is sufficiently stated to bring the case within the 9 & 10 Will. 3. c. 11—*The King v. the Inhabitants of Croft* (2). A parol demise is a lease. The appellants were entitled to object to the mode in which Joseph Coates’s marriage is stated: everything turns on the fact of that marriage. Where a settlement by hiring and service is set up, the date of it must be shewn—*The Queen v. the Inhabitants of Bridgewater* (3), *The Queen v. the Inhabitants of Middleton in Teesdale* (4), *The King the Justices of Derbyshire* (5). So as to the period at which relief has been given—*The Queen v. the Inhabitants of Kingsclere* (6).

(1) 2 Q.B. Rep. 547, note.

(2) 3 B. & Ald. 171.

(3) 10 Ad. & El. 693; s.c. 10 Law J. Rep. (N.S.) M.C. 42.

(4) Ibid. 688; s.c. 9 Law J. Rep. (N.S.) M.C. 55.

(5) 6 Ibid. 885; s.c. 7 Law J. Rep. (N.S.) M.C. 91.

(6) 3 Q.B. Rep. 388; s.c. 13 Law J. Rep. (N.S.) Q.B. 22.

[PATTESON, J.—The objection is not precisely raised in any ground of appeal.]

There were no specific grounds relating to any matters but those of fact, and the general ground will let the appellants into the objection—*The Queen v. the Justices of Staffordshire* (7), *The Queen v. the Inhabitants of Staple Fitzpaine* (8). Then, lastly, the examination sufficiently shews a residence, by the word “dwelt,” and there is no difficulty as to place or identity—*The Queen v. the Inhabitants of Stowford* (9), *The Queen v. the Inhabitants of North Bovey* (10).

LORD DENMAN, C.J.—We are clearly of opinion that the first objection, as to the place of marriage, is no objection at all. As to the other point, we are placed in some difficulty by the mode in which the case is presented to us. We are not to settle the case for the Sessions; and we are disposed to think that those who raise particular objections admit the case of the other side.

Cur. adv. vult.

The judgment of the Court was, on a subsequent day, delivered by—

LORD DENMAN, C.J.—On looking back to this case, which was argued in Easter term, we cannot refrain from expressing some surprise at the manner in which it was reserved for our decision. The first question stated by the Court of Quarter Sessions is, whether the omission in the examination of the place of the marriage of the pauper’s father in 1812, was a material defect in the proof of the pauper’s settlement. This doubt has not a show of reason to support it. Question the second is, whether the fifteenth head of the statement of grounds of appeal contained a sufficient reference to the examinations, so as to allow an incorporation of the statement contained in them of the residence of the said Joseph Coates in the respondent township, and also shewed a sufficient compliance with the 9 & 10 Will. 3. c. 11, with a direction from the Quarter Sessions to this

(7) *Ante*, M.C. 53.

(8) 2 Q.B. Rep. 488; s.c. 11 Law J. Rep. (N.S.) M.C. 38.

(9) Ibid. 526; s.c. 12 Law J. Rep. (N.S.) M.C. 7.

(10) Ibid. 500; s.c. 11 Law J. Rep. (N.S.) M.C. 17.

Court to send back the appeal to them to be heard on the merits, if we should deem the reference sufficient, and the compliance were shewn. We have repeatedly declared that we shall not act on such direction, but that the Court below ought to hear and decide the appeal, subject to the opinion of this Court on the point reserved, to avoid the wasteful expense of parish money in protracted litigation, and the very probable defeat of justice from the long delay which unavoidably attends it. We have had occasion to advert to such matters before (11); and this case affords a full opportunity for declaring that we may find it absolutely necessary for the discharge of our other duties to decline answering cases thus improperly stated, or in which the points reserved are obviously free from all doubt upon the law. But we proceed to answer the second question proposed to us on the statement of this case, because we think the Sessions rightly held the fifteenth ground of appeal insufficient under the 9 & 10 Will. 3. c. 11, and that they are, therefore, justified in refusing to hear the appellants' evidences. No question is proposed on the sufficiency of the sixteenth ground of appeal.

Order of Sessions confirmed.

1847. }
Jan. 15; } SCADDING v. LORANT AND
May 3. } ANOTHER.

Poor Rate—Signing—Making—Allowance—Avowry—Variance—Local Act.

An avowry for taking goods as a distress for a poor-rate alleged that before, &c. to wit, on the 12th of August, a meeting of vestrymen was held in pursuance of a local act for the purpose of making a rate, and that at such meeting a rate of 1s. in the pound was judged and determined to be necessary, and was then and there unanimously agreed upon and made by the said vestrymen, &c. The avowry then proceeded to allege, that after the making, and before the allowance of the said rate, to wit, on the

14th of September, the said rate was duly signed. By the local act notice of the purpose of the meeting of the vestry was to be given when the meeting was to make rates—the vestry having the power of adjournment. The facts were, that the meeting of the 12th of August was held pursuant to notice, and that a resolution in the terms of the avowry was come to at such meeting. At the meeting of the 14th of September the rate-books were signed, but no notice of the purpose of such meeting was given:—Held, first, that if the avowry could be taken as containing an allegation that the rate was, in fact, made on the 12th of August, such allegation was not supported by the evidence; secondly, that according to the allegation in this avowry, and the evidence, a valid rate was not made on the 14th of September, or by the joint effect of the two meetings, there being no averment that the second meeting was held by adjournment from the first, and no notice of the purpose for which such meeting was held being either alleged or proved.

Replevin. Avowry by the defendant Lorant, as one of the collectors of the poor-rates for the parish of St. Pancras, under a local act, 59 Geo. 3. c. xxxix., entitled, "An act for establishing a select vestry in the parish of St. Pancras, in the county of Middlesex, and for other purposes relating thereto." The avowry proceeded to allege that after the passing of the act of parliament, and before the rating, &c., to wit, on the 12th of August 1839, a meeting of vestrymen of the parish aforesaid was held, to wit, at the vestry-room in Gordon Street, &c., in pursuance of the said act, to wit, for the purpose of making one such rate or assessment as, by the laws then in force and effect, churchwardens and overseers of the poor then were enabled or empowered to make, as they, the said vestrymen, or any seven of them, should judge or determine to be necessary, &c.; at which meeting were then present more than seven, to wit, twenty-two of such vestrymen, to wit (naming them). The avowry then set out the notice of holding the meeting, and that the vicar was duly elected as chairman, and presided, &c., and averred that at such meeting a certain rate or assessment of 1s. in the pound was judged and determined

(11) See *The Queen v. the Justices of Kesteven*, 3 Q.B. Rep. 815; a.c. 13 Law J. Rep. (n.s.) M.C. 78.

to be necessary, and was then and there unanimously agreed upon and made by the said vestrymen at such meeting, in and towards the relief and maintenance of the poor, &c. upon all property in the parish therein liable to be rated, &c. The avowry then alleged further, that after the making, and before the allowance of the said rate, to wit, on the 14th of September, in the year aforesaid, the said rate was duly signed by eight of the vestrymen present at the said meeting, to wit (naming them). The avowry then set out the allowance of the rate, and the sum assessed on the plaintiff, and a demand and refusal by him to pay it, and the summons and warrant, &c.; and avowed, on the part of Lorant, the taking the goods as collector, by virtue of the warrant. The defendant Patrick made cognizance as headborough and one of her Majesty's peace officers for the said parish, aiding in the execution of the warrant.

Replication—*De injuriâ*.

At the trial, before Wightman, J., at the sittings at Westminster, after Michaelmas term, 1843, a verdict was found for the plaintiff, subject to the opinion of the Court on a special case, which, after stating that the defendants were respectively collector and headborough, as mentioned in the avowry, and also stating the demand of the rate on the plaintiff, and his refusal, proceeded to state the circumstances relating to the making of the rate material to the question on which the judgment of the Court was pronounced, and which were in substance as follows:—The parish of St. Pancras was under the government of a select vestry, by virtue of the local act above referred to, from the passing thereof, until the year 1832. In that year the parish adopted the act, 1 & 2 Will. 4. c. 60, commonly called Hobhouse's Act, intituled, "An act for the better regulation of Vestries, and for the appointment of Auditors of Accounts in certain Parishes in England and Wales;" and the notice required by the act of such adoption was duly given, and from that time the affairs of the parish were managed under the local act, modified by the last-mentioned public act. Accordingly, the election took place annually, one-third of the vestry going out by rotation each year, and vacancies, from death or other circumstances, being filled up at the same

time. The proper number of vestrymen in the parish of St. Pancras, after Hobhouse's Act came into full operation, was 120, in addition to the vicar and churchwardens for the time being. On the 12th of August a vestry meeting was held at the vestry rooms in Gordon Street, within the said parish, in the manner directed for vestry meetings by the act 59 Geo. 3. c. 39, and for the purpose mentioned in the avowry. Notice of the meeting, and the purpose thereof, had been reduced into writing and signed, and copies thereof, also signed, were affixed on the preceding Sunday, in the manner mentioned in the avowry. A chairman having been elected, as stated in the avowry, the minutes of the last vestry were read and confirmed. The vestry proceeded to the order of the day (pursuant to the minutes of the last vestry read, and to letters of summons issued for the purpose by the vestry clerk) to make a general rate for the relief of the poor of the parish. The notice of the present meeting and the purpose thereof, as published in the churches and chapels of the parish on the preceding Sunday, pursuant to the act for regulating vestry notices, was presented and read. The extract from the minutes of the directors of the poor presented with the estimate of expenditure of the last vestry was referred to, and ordered to be entered on the minutes as follows:—"Resolved unanimously, that a general rate of 1s. in the pound be made and laid on the inhabitants and occupiers of houses, lands, tenements, and hereditaments, tithes impropriate and impropriators of tithes in the parish of St. Pancras, in the county of Middlesex, for and towards the relief of the poor of the said parish, and other purposes, chargeable thereon according to law, and the said rate is hereby made and laid accordingly, and is to be collected forthwith. Resolved, that the vestrymen be summoned for Wednesday, the 4th of September, to elect a director of the poor in the room of Mr. Inchamp." At a special meeting of the vestrymen of the said parish and place held on the 28th of August 1839, at which twenty-three vestrymen were present; a chairman having been elected, the minutes of the last vestry were read and confirmed. The requisition by nine vestrymen for convening the present meeting, was presented and read:—

"St. Pancras, Middlesex.

"You are requested to convene a special general meeting of the vestrymen of this parish, pursuant to the tenor of the 87th section of the act, 59 Geo. 3. c. xxxix, for Wednesday, the 28th of August, to consider a recommendation for improving the work-house."

On the 4th of September a general meeting of the vestry was held, pursuant to adjournment from the meeting of the 12th of August. The vicar of the parish was not present at this meeting, but twenty other vestrymen were, when a chairman was elected for the occasion, as stated in the avowry. The minutes of the last vestry were then read and confirmed.

The vestry proceeded to the further order of the day, (pursuant to the said minutes and letters of summons issued for the purpose,) to hear the applications of parishioners in the east and south divisions to be relieved from the payment of the poor-rate due by them to Lady-day last, and arrears. This meeting was adjourned to the 9th of September.

On the 9th of September a general meeting of the vestry was held, pursuant to adjournment from the 4th of September; a chairman was elected, and there were eighteen other vestrymen present. The minutes of the last vestry were read and confirmed.

The vestry proceeded to the order of the day (pursuant to the said minutes and to letters of summons), to hear the applications of parishioners in the north and west divisions to be relieved from the payment of poor-rate due by them at Lady-day last, and arrears. This meeting was adjourned to the 14th.

On the 14th of September a general meeting of the vestry was holden, pursuant to adjournment from the 9th of September, at which fifteen vestrymen were present, and a chairman having been elected, the minutes of the last meeting were read and confirmed.

The vestry clerk presented the books containing the rate made on the 12th ult.

The vestry proceeded to the order of the day (pursuant to letters of summons issued for the purpose) to settle and sign the new rate-books.

"Resolved—That the said books be now signed. The said rate-books were thereupon signed by ten vestrymen."

"Resolved—That the vestry clerk make application for the allowance and confirmation of the said rate by two Justices of the county of Middlesex, and thereupon cause due notice of such allowance to be given, pursuant to the act for regulating vestry notices."

There was no other signature of the rate-books. The above vestrymen were all resident householders, duly qualified to act as vestrymen. (The portions of the local act which are material are referred to in the judgment of the Court.)

The question for the opinion of the Court was, whether the facts above stated sustained the avowry.

The case was argued in Easter term, 1846, and the Court directed the case to be re-argued, with reference to the question, whether the facts, as stated, shewed that a poor-rate had been lawfully made.

Peacock, for the plaintiff.—The avowry states the rate to have been made at a particular meeting; and the real question is, whether the resolution of the vestry, of the 12th of August, amounts to a rate. The allegations are, that the rate was made on the 12th of August, and signed on the 14th of September.

[PATTERSON, J.—All the allegations of time are under a *videlicet*.]

The avowry in substance only states one meeting at which the rate was made, to be collected forthwith. The rating was not complete at that meeting; it does not appear what was the amount of property rated. That should be stated, as it might be the subject of appeal. It is not merely a ministerial act, which can be delegated, but it should appear that the vestry have exercised a judgment—*Sellwood v. Mount* (1). It will be contended, on the other side, that the resolution of the 12th of August was the making a rate, but if so, it never has been signed, which is necessary (6 & 7 Will. 4. c. 96. s. 2), or allowed by the Justices; and if it was really made on that day, the vestry could not meddle with it afterwards. It is not stated in the avowry that the meeting of the 14th of September was an adjournment of that on the 12th of August.

(1) 1 Q.B. Rep. 726; s. c. 10 Law J. Rep. (N.S.) M.C. 121.

Watson, contra.—If this rate is not good it is difficult to see how a rate is to be made at all, as the vestry might go on debating and resolving, and yet no rate that they resolved upon could be considered as a legal rate. In this case, a notice was regularly given for a meeting, which was regularly held pursuant to such notice. That meeting was also regularly adjourned. The resolution of the 12th of August is the rate. The vestry is composed of 120 persons, all of whom had an opportunity of being present.

[WIGHTMAN, J.—How many of them made the rate?]

It is not contended that the rate was made by the individual vestrymen who signed it.

[COLERIDGE, J.—But some preliminary steps should be taken, according to your argument; and how are they to be taken without some meeting?]

There is no authority for saying that any preliminary meeting is necessary; and the general allegation of the rate being made is sufficient, without shewing by whom—*Draper v. Garratt* (2), *Perreau v. Bevan* (3).

[WIGHTMAN, J.—The avowry alleges that the meeting of the 14th of September was after the making of the rate.]

It might have been after making and before the signing. If there be a variance it is not in a matter of substance. As the avowry says that it was made, "to wit, on the 12th of August," it may be taken that the meeting was still going on at the time the rate was made. It might have been signed at an adjourned meeting; and a rate which is made one day may be dated another, and it cannot be quashed or vacated for want of form—17 *Geo. 2. c. 38. ss. 8, 9.*

[PATTERSON, J.—But assuming the dates to be immaterial, still the avowry must be taken to aver substantially that the rate was made at one meeting and signed at another.]

But a subsequent confirmation by signature or otherwise is unnecessary and immaterial. The rate was confirmed, in point of fact, on the 27th of August. *Hobhouse's Act* does not repeal the local act (section 27); and if the rate was properly made, it was

also properly signed within the meaning of the local act.

Peacock, in reply.—The defendants' argument confounds the rate-book and the rate. It is said that the resolution is the rate, and that nothing more is necessary than to collect it; but what is it that the magistrates allow? and what is that against which a party is to appeal?

[WIGHTMAN, J.—The Assessment Act treats the form given in the schedule as the rate.]

And an appeal is given which depends on the time of making the rate. If the meeting of the 12th of August was adjourned, every member of the vestry might take a part at the adjourned meeting.

[COLERIDGE, J.—If it was well adjourned, may not everything done at it be taken as having been done on the first day?]

But it is not so pleaded. The avowry expressly makes a distinction between the meetings of the 12th of August and the 14th of September. The meetings cannot be treated as the same for one purpose and not for another: or, if they were so treated, it might be difficult to say that the allegation of signature is sufficient. An adjourned sessions is not a part of the original sessions, though everything done during the period of such original sessions may be alleged to have taken place on the first day. If there is a power of adjournment from time to time, during the making of the rate, the adjournment might be to a different year, and the rate might affect occupiers who were not such at the time of the first meeting for making the rate; but the plaintiff does not contend that there may not be an adjournment from day to day, in which case the rate must be taken as made on the last day of meeting; and until the rate-book is signed, the rate cannot be said to be made; but such adjournment is not alleged.

Cur. adv. vult.

The judgment of the Court was, subsequently, delivered by—

LORD DENMAN, C.J.—This is an action of replevin, for taking the goods of the plaintiff, to which there is an avowry and cognizance, justifying the taking under a warrant of distress, for a rate made for the relief of the poor of the parish of St. Paneras,

(2) 2 B. & C. 2; s. c. 1 Law J. Rep. K.B. 219.

(3) 5 *Ibid.* 284; s. c. 4 Law J. Rep. K.B. 177.

the said parish being under the regulation of a select vestry, by virtue of the statute 59 Geo. 3. c. xxxix.

Several questions were raised for the consideration of the Court; but the learned counsel were desired to confine their attention, in the first instance, to one point, namely, whether the avowry, supposing it to contain an allegation that a poor-rate was lawfully made, be sufficiently sustained by proof. Now, on behalf of the defendant, it was contended, either that such assessment was made at a meeting of the vestry, holden on the 12th of August 1839, or on the 14th of September following, or that the proceedings of the two meetings, considered together, amounted to a valid assessment, it being admitted that the precise day on which they were holden, if both or either be in other respects sufficient, is not material. It certainly appears both from the pleadings and the proof that more than two meetings were in fact holden. It remains, therefore, to be considered whether, at a subsequent meeting, held on the 14th of September following, a valid rate was made, either by an independent act of that meeting, or by the joint effect of the two meetings of the 12th of August and 14th of September; and with a view to this point it may be necessary to advert to the provisions of the said local act, as to the holding of the meetings of the vestrymen generally and specially, for the purpose of making rates. By the 4th section the vestrymen (to the number of seven,) may meet to execute the act, and may adjourn themselves to meet at such future time and place as they may appoint; and if no adjournment be made, then follow certain provisions not observed in this case, and therefore not material to be noticed. The 69th section respects the making of rates; and by that, seven vestrymen at least must be present, and notice of such meeting, for making a rate, and of "the purpose thereof" must be previously given. Now the allegation, with reference to the second meeting, on the 14th of September, is as follows:—"that after the making of the said rate, and before the allowance thereof, namely, on the 14th of September, at a meeting" (describing it), "the said rate so agreed upon and made at the said first-mentioned meeting" (12th of August) "was duly signed by eight

of the vestrymen present." And as to the effect of the second meeting relied upon for the defendants, in the first place, the avowry describes the rate as being made at the first-mentioned meeting; and next, (though this perhaps is rather an objection to the avowry itself) it is not alleged that the meeting of the 12th of August was adjourned to the 14th of September, but the contrary appears; and, lastly, against considering the rate as having been made at the latter meeting, it does not appear that such meeting was held (according to the provisions of the said 69th section) "for the purpose of making a rate." It is, indeed, perfectly clear both from the allegations in the avowry itself, and the proofs contained in the statement of the case, that the making of the rate was contemplated at the meeting of the 12th of August, and not of the 14th of September.

We are of opinion, therefore, that from the defect in the avowry, or in the proof of it, or in both, the defendants have failed to establish the fact, that a legal rate was duly made; and that our judgment must be for the plaintiff.

Judgment for the plaintiff.

1847. }
May 31; } THE QUEEN v. THE JUSTICES OF
June 12. } CARMARTHENSHIRE.

Coroner—Fees and Expenses—Disbursements—Allowance by Quarter Sessions—
25 Geo. 2. c. 29—7 Will. 4. & 1 Vict. c. 68.

The Quarter Sessions has a discretion as to allowing the fees payable to coroners under 25 Geo. 2. c. 29, in case of inquisitions duly taken, and the Court of Queen's Bench will not controul that discretion.

A coroner is entitled to be reimbursed the necessary expenses of holding inquests (such as fees to medical men, payments to the jurors, and for hire of rooms, &c.) which he is compelled to discharge by 7 Will. 4. & 1 Vict. c. 68, the power of examining him on oath given to the Quarter Sessions by section 3. of that statute, being only with regard to these expenses having been actually incurred, and not to the propriety of holding the inquest.

This was a rule calling upon the Justices of the Peace of the county of Carmarthen,

to shew cause why a writ of mandamus should not issue to them, commanding them to pay to the coroner of the said county certain fees and expenses incident to the holding of two inquests upon dead bodies, and claimed by him under the following circumstances, but the whole of which the Quarter Sessions for the said county had disallowed. On the 2nd of February 1847, the coroner having received information from the superintendent of police of a sudden death having occurred within the county, proceeded to the place where the body lay, about ten miles from his own residence, and held an inquest, when it appeared that the deceased, John Young, had died of lock-jaw, consequent upon one of his fingers having been chopped off by a chaff-cutter. The deceased had been attended by the surgeon of the union workhouse, and it being suggested that due care and skill had not been used in treatment of the deceased, by the desire of the jury the surgeon was called and examined, when the jury, being satisfied that no misconduct or want of skill could be imputed to him, returned a verdict that the deceased died of a lock-jaw produced by injuries to his fingers caused by a chaff-cutter.

On the 22nd of January in the same year the coroner also received information from the police of the death of a female child, Mary John, aged about four years, who had been burnt to death owing to her clothes having taken fire. This inquest was held about eleven miles from the residence of the coroner, and the jury found that the child was accidentally burnt to death. The coroner stated in his affidavit that he considered it to be his duty to hold an inquest in each of these cases, and that he had paid the reasonable and necessary expenses incurred in and about holding these inquests, consisting of the fee of 1*l.* 1*s.* to the surgeon summoned on the first inquest, the payments of 1*s.* to each of the jurors, and a sum for the hire of the rooms where the meetings were held, amounting in the whole to 2*l.* 10*s.* He also claimed his mileage and fees as coroner, according to a scale allowed by the Magistrates. The whole claim amounted to 7*l.* 3*s.* 8*d.*, which the Quarter Sessions disallowed, on the ground that they did not consider either of the said inquests were necessarily held.

Sir J. Jervis (Attorney General) and *Crompton* shewed cause.—The claim consists of two distinct branches. First, fees and expenses claimed by the coroner himself; and, secondly, sums which he has actually paid out of pocket in reference to the inquests; and it is submitted that the Sessions have a discretion as to allowing these sums with which this court will not interfere—*The King v. the Justices of Kent* (1), where this point was expressly decided under the 25 Geo. 2. c. 29, the statute originally giving coroners' fees, which requires as a condition precedent that the inquest should be duly taken—*The Queen v. the Great Western Railway Company* (2). This point was fully discussed in a case of a mandamus to the Justices of Devonshire (3). As to the payments to the medical witness that have been made under 6 & 7 Will. 4. c. 89, and 7 Will. 4. & 1 Vict. c. 68, which directs the coroner to pay the fee mentioned in the schedule, that payment ought only to be made where the inquest was properly held, and if the coroner makes it unnecessarily he cannot recover the money; 7 & 8 Vict. c. 92. s. 21. shews that the coroner must exercise a discretion as to holding an inquest or not.

Pashley, in support of the rule.—The coroner is bound to go and hold an inquest if he hears of a sudden death—4 Edw. 1. c. 2. *De officio coronatoris*. *Bracton*, lib. 3. fol. 121, *b*, *Staunf.* fol. 51, *b*, *Britton*, c. 7. p. 28, *Fleta*, c. 25. ss. 1, 9, *Mirror of Justices*, ch. 1. s. 12, *Fitzherbert's Justice* (by *Crompton*) p. 228, 2 *Hale's Pleas of the Crown*, p. 58, 1 *East*, P.C. 382, *The Queen v. Clerk* (4). The Justices in Quarter Sessions can only inquire whether the inquest was actually held, and whether the payments have been actually made, and are in accordance with the statute—*The King v. the Justices of Norfolk* (5), *The King v. the Justices of Kent* proves too much, for according to the rule there laid down this Court could not controul the discretion of Justices in refusing to issue a distress warrant. The coroner's conduct can be reviewed

(1) 11 East. 229.

(2) 3 Q.B. Rep. 340; s. c. 10 Law J. Rep. (N.S.) M.C. 86.

(3) Not reported.

(4) 1 Salik. 377.

(5) 1 Nol. Rep. 141.

—*Jervis on Coroners*, p. 59, *Ex parte Par-nell* (6). But, at all events, the coroner is entitled to be repaid the money out of pocket. The fees to medical witnesses are to be paid at any inquest—6 & 7 Will. 4. c. 89. s. 9. The coroner is bound to pay them together with other disbursements, in the first instance, by 7 Will. 4. & 1 Vict. c. 68; and by sec. 3. of that act the Justices in sessions have only power to examine into the correctness of his account, and on being satisfied of that they are bound to make an order on the county treasurer.

Cur. adv. vult.

LORD DENMAN, C.J. now (June 12) delivered the judgment of the Court (7).—Two questions arise in this case; the first, whether, when the coroner of a county has held an inquest, paid a medical man his statutable fee for attendance, and discharged the costs of the jury and witnesses, the Court of Quarter Sessions has any discretion as to allowing or disallowing to him his own fees, and the repayment to him of those sums expended, assumed to be reasonable in amount; the second, whether, if the Quarter Sessions has such discretion, this Court has any controuling power over their exercise of it. In examining into the first of these questions, it is quite unnecessary to go into the ancient law respecting the office of coroner, or the mode in which his remuneration was provided, when first it was thought right or consistent with its high dignity to assign him any, for his present payments depend entirely on modern statutes. Of these, the first is 25 Geo. 2. c. 29; this is an act (among other things) "for giving a proper reward to coroners for the *due* execution of their office," and commences with stating in the preamble that the fee given by the 3 Hen. 7. c. 3. was not an adequate reward for the general execution of the office: it then enacts, that to the end "that coroners may be encouraged to execute their office with diligence and integrity," a certain fee and mileage shall be paid them for every inquisition, except in respect of bodies dying in prison, which

shall be *duly* taken; the second section provides for the case of persons dying in prison, and enacts that, "for every inquisition which shall be *duly* taken in such case, so much money, not exceeding 20s., shall be paid, as the Justices in General or Quarter Sessions shall think fit to allow, as a recompense for the labour, pains, and charges of the coroner in taking such inquisition." In the first case the sum is fixed, and the same on every occasion, the mileage alone being to be ascertained; in the latter the sum is to be determined by the Justices within the limit of 20s.; in both cases the legislature contemplates reward and remuneration for services rendered, and in both speaks of inquisitions *duly* taken. The due taking of the inquisition seems to us a condition precedent to the being entitled to the reward; if the payment be made as of course, without the controul of any one, and without consideration whether the inquisition was duly taken, the act, instead of operating as an encouragement to the execution of the office with diligence and integrity, might lead directly to its being performed negligently and dishonestly. And "due taking," implies not only care and diligence in the taking, but the taking under such circumstances as make it proper that it should be taken. This in substance was the view taken of this statute by this Court in *The King v. the Justices of Kent*, with which we entirely concur. And if this view be correct, it is obvious that, in the first instance at least, the Justices in sessions, who are to make the order for payment, must exercise a discretion in determining whether the coroner's conduct has been such that the order ought to be made. But if they must in the first place exercise a discretion, the second question made arises, and is of easy solution. The act which empowers them to exercise it gives no appeal to this Court; and it is an inflexible rule, that there is no direct appeal to this Court from the Quarter Sessions, unless it is expressly given by statute. And this general rule of law operates most conveniently in this case and the like. Whether or not an inquest has been duly taken, is a question depending on a variety of circumstances, which can hardly be made to appear on affidavits so satisfactorily as on an oral

(6) 1 Jac. & Walk. 451.

(7) Lord Denman, C. J., Patteson, J., Coleridge, J., and Erle, J.

examination by the Justices, either in committee or in court; and assuming the absence of any corrupt bias, they are so much more likely to come to a right conclusion on such an examination than we could be on affidavits that we should be very unwilling to undertake the review of their decision. If, indeed, there were any ground for imputing a corrupt purpose, there may be an inherent power in this Court which would enable us indirectly to compel the Sessions to do justice; but without expressing our entire concurrence in their present decision, we say, as we said in the case before referred to, "we see no occasion to interfere" with it.

But it was contended, that whatever might be decided with regard to the coroner's own remuneration under the 25 Geo. 2. c. 29, yet as to the different sums which he has paid out of his own pocket, under different subsequent statutes, these were compulsory payments by him; and as to these, by the statutes in question, he is entitled to be reimbursed, and the Sessions have no discretion. These are, a fee of one guinea paid to a medical witness summoned by the coroner on one of the inquests, the hire of the rooms in which the inquests were held, the payments of 1s. to each of the jurors, and some small incidental and necessary expenses. These charges are either fixed in amount by statute, or their maximum is limited by an order of Sessions, and the coroner is compelled to pay them by the 7 Will. 4. & 1 Vict. c. 68, "immediately after the termination of the proceedings." The statute goes on to enact, that "the sums, so advanced and paid, shall be repaid to the coroner in manner after mentioned." The manner is stated in the 3rd section: within four months after holding any inquest, the coroner is to lay a full and true account before the Justices in sessions, accompanied by such vouchers as under the circumstances they shall think reasonable to require, and they may, "if they think fit, examine him on oath as to such account," and, "on being satisfied of the correctness thereof, they shall make an order on the treasurer of the county for payment to him, not only of the sum due to him on such account, but also of a sum of 6s. 8d. for every inquest holden by him as aforesaid, over and above

all other fees and allowances to which he is by law entitled."

Perhaps a distinction might be taken between the summoning of a medical witness and the other expenses now in question, on the score of necessity; but the propriety of requiring the presence of the medical attendant of the deceased in every case in which the death is proper to be inquired into at all is so unquestionable as almost to amount to a necessity; and it is better, perhaps, to class it among the necessary expenses of a proper inquest. Now, the statute has no words in it like those of the 25 Geo. 2. c. 29, and although the Justices are empowered to examine the coroner on oath, the context seems to shew that it is rather with regard to the expenses having been actually incurred and discharged, and the rate of payment, where he has any discretion, being proper, than as to any other circumstances. This does not, indeed, conclude the question; in this statute, and the preceding one of 6 & 7 Will. 4. c. 89, which are statutes for securing the attendance of medical witnesses, and providing for the payment of expenses of inquests, it was not to be expected that anything would appear as to the propriety of holding the inquest. The bailiff who summoned the jurors, the jurors who attended upon the precept, the witnesses who appeared when called on, were all bound to obey the authority under which they acted, and their remuneration could not justly be dependent on the propriety of the coroner's determination to hold the inquest; so also the householder, who let his room for the purpose of the meeting, could not be expected to inquire whether the coroner did right or wrong in holding it. In these statutes, therefore, anything which raised that question would have been quite out of place; and this consideration seems to furnish the ground for deciding this part of the rule. By the law, as it stood before these statutes, it appears, by the preamble to the 7 Will. 4. & 1 Vict. c. 68. that those charges, excepting that for medical witnesses, were not certainly provided for by law, and were usually, without any lawful authority, paid out of the poor-rate; the charge for medical witnesses was by 6 & 7 Will. 4. c. 89. directed to be so paid under an order from the coroner. When the

coroner himself was not the person who paid the charges, but the payment was made by the overseers under the coroner's order, whether issuing by usage or under the statute, it is clear that the overseers could not resist the payment on the ground merely that the coroner *ought not*, in the exercise of his discretion, to have held the inquest; for the coroner's act was just as binding, his legal authority as great, the finding of the inquisition as valid, where there was indiscretion in holding the inquest as where it was most proper to do so.

If this were so before the statute, it seems to us that the state of things is not altered now, merely because for convenience the coroner is made to pay the charges in the first instance; he puts nothing into his own pocket by so doing; he is merely the agent of the county treasurer in paying the money, for which, before the statute, he used to make an order that was obeyed by the overseers; and as the payment is equally a valid and legal payment in respect of the parties to whom it is made, so he is entitled to be repaid by the Justices, when they are satisfied of the correctness of the account. And this conclusion, upon the whole, meets the justice of the case, as well as agrees with the natural construction of the statutes. All temptation to hold inquests unnecessarily is removed by making the coroner's own remuneration depend on the decision of the Justices formed on an examination of all the circumstances; but those who obey his authority, as they must do, in giving their attendance and taking part in any inquest, have their remuneration certain, while, if he errs through inconsideration or officiousness, he is not punished to such an extent as might tend to make him improperly slow in the execution of his office; which might be the case if he held every inquest at the peril not merely of losing his own time and labour, but being saddled with all the expenses of the inquiry.

The rule, therefore, will be absolute as regards the expenses paid by the coroner, and discharged as to his own allowances.

Rule accordingly.

1847.
May 29;
June 10.

{ THE QUEEN, on the prosecution
of the CHURCHWARDENS, &c.
OF LIVERPOOL v. THE JUSTICES OF THE WEST RIDING
OF YORKSHIRE.

Poor Law—Lunatic—9 Geo. 4. c. 40. ss. 38, 54, 60.—*Appeal*—4 & 5 Will. 4. c. 76, 79.—*Mandamus*—*Return*, Sufficiency of.

By 9 Geo. 4. c. 40. s. 54. an appeal is given, against an order adjudging the settlement of a lunatic pauper, to the Quarter Sessions for the county where the order is made "in like manner and under like restrictions and regulations as against any order of removal;" which appeal the Justices are authorized to hear and determine "in the same manner as appeals against orders of removal are now heard and determined."

Held, that the enactment in 4 & 5 Will. 4. c. 76. s. 79, that no pauper shall be removed until twenty-one days after a copy or counterpart of the order has been served on the parish to which the removal is ordered to be made, is not incorporated in the 9 Geo. 4. c. 40. s. 54, and is inapplicable to the case of lunatic paupers.

Therefore, where an order adjudging the settlement of a lunatic pauper to be in the parish of L. was served on the overseers of L. on the 13th of March, and the next sessions were held on the 7th of April, at which no appeal was entered, and by the practice of the Sessions ten days' notice for the trial of appeals was required,—it was held, that an appeal entered subsequently to the April sessions was too late.

Sect. 60. of 9 Geo. 4. c. 40. applies to cases of penalties under the act, and not to orders of maintenance, &c., which are regulated by sect. 54. of the same act (overruling The Queen v. Pixley, 4 Q.B. Rep. 711; s. c. 12 Law J. Rep. (N.S.) M.C. 87, and confirming The Queen v. the Recorder of York, ante, M.C. 22).

A writ of mandamus commanded Justices to hear an appeal by the overseers of L. against an order of two Justices adjudging the settlement of a lunatic to be in L. and ordering the overseers of L. to pay a sum of money so long as the lunatic should be confined in the asylum under another order made by the same two Justices, and bearing date the same day. The return set out facts

relating to "the said order," and justified the refusal to hear:—Held, that it sufficiently appeared that the order referred to in the return was the order addressed to the overseers of L. and appealed against by them.

Mandamus. The writ stated that an appeal came on to be heard at the Quarter Sessions of the Peace for the West Riding of Yorkshire, held by adjournment at Bradford, against an order under the hands and seals of J. A. and J. S, two Justices, dated the 8th of March 1845, whereby the settlement of M. V, an insane pauper, was adjudged to be in Liverpool, and the overseers of Liverpool were ordered to pay to the treasurer of the lunatic asylum for the said riding a weekly sum so long as the said M. V. should continue in the said lunatic asylum, under a warrant or order, dated the 8th of March 1845, under the hands and seals of the said J. A. and J. S, so being such Justices in that behalf, for her maintenance, medicine, and clothing, &c., and that the Sessions refused to hear the said appeal.

The return stated, "that the order under the hands and seals of J. A. and J. S, two of us, &c., which order is mentioned and referred to in the said writ, was made by them on the 8th of March 1845; and that the General Quarter Sessions of the Peace named in the said writ, and holden by adjournment at Bradford, in and for the said West Riding, on the 1st of July 1845, were so holden by adjournment from the Quarter Sessions holden at Skipton, on the 30th of June 1845, which was the day of the commencement of the said sessions; that the said order made, and bearing date on the 8th of March 1845, was served on the churchwardens, &c. of Liverpool on the 13th of March 1845, on which day the said churchwardens had notice of the said order of the 8th of March 1845, and became entitled to appeal against the same to and at the next General Quarter Sessions of the Peace for the said West Riding; that the next General Quarter Sessions for the said riding were holden at Pontefract on the 7th of April 1845, and that no appeal against the said order was entered at such last-mentioned Quarter Sessions, nor was any application then made to enter any

such appeal; that the interval between the 13th of March and the 7th of April 1845 was more than sufficient to have enabled the churchwardens, &c. of Liverpool to have entered and prosecuted an appeal against the said order at the sessions holden on the 7th of April; and that, according to the practice of the Sessions of the said riding, ten days' notice from appellant to respondent for the trial of an appeal is all that is required; wherefore the said Justices in Quarter Sessions assembled at Bradford, as in the said writ mentioned, did refuse to hear the said appeal then brought forward and proposed to be lodged for the first time, and which had not been entered and respited at any previous Quarter Sessions. The return then objected, that it did not appear in the said writ when the order therein mentioned was made, nor when the first General Quarter Sessions for the said riding next after the 13th of March 1845 was holden, nor whether it was practicable for the said churchwardens, &c. of Liverpool to have tried their said appeal at the Quarter Sessions so first holden next after the said 13th of March 1845, nor when the said right of appeal first accrued, or that any such right ever accrued.

Demurrer and joinder.*

* The prosecutors' points were: first, that the return is bad in substance and contains no answer to the writ, because, while in the writ there are two orders mentioned, both bearing the same date, and under the hands of the same Justices, viz., one adjudging the settlement of the pauper, and ordering the payment of certain money, &c. (against which the appeal was prosecuted), the other ordering the pauper to be placed in the lunatic asylum, the return only alludes to one of the said orders, without saying which; and every fact relating to the service of the order mentioned in the return, and the other matters therein alleged may be quite true, and refer to the order directing the pauper to be placed in the asylum, against which there was no appeal prosecuted, and to which the writ does not relate. Secondly, that the provisions respecting appeals against orders of removal contained in 4 & 5 Will. 4. c. 76. s. 79. apply to an order under 9 Geo. 4. c. 40. s. 38.

The defendants' points were: first, that the writ is bad for the defects therein pointed out in the return. Secondly, that it is alleged in the return and admitted by the demurrer, that the interval between the 13th of March and the 7th of April 1845 was more than sufficient to enable the prosecutors to enter and prosecute their appeal at the sessions held on the 7th of April; and that, therefore, the Midsummer Sessions which refused to enter and

Pickering, in support of the demurrer.—The return raises objections to the writ. First, that no facts are stated to shew a right of appeal, but the writ is in the usual form—*Corner's Practice of the Crown Office*, p. 139, *Archb. Crown Office Practice*, p. 230. Secondly, that it is not stated from what original sessions the sessions holden at Bradford were adjourned; this is not necessary. But the return itself is bad, as being uncertain; every fact stated in it may apply equally to either of the two orders mentioned in it.

[*PATTESON, J.*—The order directing the removal to the asylum was not addressed to the parish officers of Liverpool; but there is an order recited which was addressed to them, and the return says, that the *said* order was served on the overseers: must not that mean the order directed to them?]

Both orders ought to be served, as the order for payment is in force so long only as the pauper is confined in the asylum under the other order. The return ought to be certain—*Com. Dig.* 'Mandamus,' D, 5. A return containing a negative pregnant is bad—*The King v. Lyme Regis* (1), *The King v. Clapham* (2), *Ex parte Eden* (3), *Deybel's case* (4), *Souden's case* (5). Next as to the main question, whether section 79. of 4 & 5 Will. 4. c. 76. applies to appeals under 9 Geo. 4. c. 40. s. 54, which seems to be now settled to be the proper appeal clause. The words, "now heard and determined," apply only to the tribunal, and do not restrict the mode of appealing to that in operation at the time when the act passed. The 4 & 5 Will. 4. c. 76. gives no new right of appeal; it only imposes new conditions under which the existing right is to be exercised—*The Queen v. the Justices of Lancashire* (6), *The Queen v. Leeds* (7), *The Queen v. the Leeds and Liverpool Na-*

vigation (8), where the meaning of the word "now" was considered; *Stradling v. Morgan* (9). A strong argument is also derived from the corresponding clauses in the subsequent acts relating to lunatics—1 & 2 Vict. c. 14, 3 & 4 Vict. c. 54, 8 & 9 Vict. c. 126.—which clearly incorporate the provisions of 4 & 5 Will. 4. c. 76.

Pashley, *contra*.—The writ is defective, first, for not shewing whether the order was served, which is necessary to create a grievance and give a right of appeal. The form referred to is that of a mandamus to hear an appeal against an ordinary order of removal, and does not necessarily apply to such a case as the present. Secondly, it is necessary to shew the date of the original sessions, for they may have been held before the service of the order, although the adjourned sessions were after it. The provision as to holding the sessions in the week specified in 4 & 5 Will. 4. c. 47. is only directory—*The King v. the Justices of Leicester* (10). Jurisdiction must be shewn—*The Queen v. Ardsley* (11). Next, as to the technical objection to the return, it cannot be raised on general demurrer; but the return should be demurred to specially under 6 & 7 Vict. c. 67, which gives a demurrer in the same manner as in the case of demurrers in personal actions. Then, as to the merits. Section 79. of the 4 & 5 Will. 4. c. 76. does not apply to irremovable paupers, such as the present. In *The Queen v. the Justices of Lancashire* the Court does not seem to have adverted to the fact that it was a suspended order; but even in that case the suspension might be taken off at any time, and the pauper would then become removable. But if this section is held applicable, all the other provisions of the Poor Law Amendment Act must also be applicable, for instance, as to sending examinations, which is impossible.

The judgment of the Court was now (June 10) delivered by—

LORD DENMAN, C.J.—We are satisfied that the return to the mandamus in this

hear the appeal was right in so refusing, even if the provisions respecting appeals against orders of removal contained in 4 & 5 Will. 4. c. 76. do apply to orders made under 9 Geo. 4. c. 40. Thirdly, that the last-mentioned provisions do not apply to appeals against such an order under 9 Geo. 4. c. 40.

(1) 1 Doug. 79.

(2) Vent. 110.

(3) 2 Mau. & Selw. 226.

(4) 4 B. & Ald. 243.

(5) Ibid. 294.

(6) 4 Q.B. Rep. 910; s. c. 12 Law J. Rep. (N.S.) M.C. 110.

(7) 2 New Sess. Cas. 595.

(8) 7 Ad. & El. 671; s. c. 7 Law J. Rep. (N.S.) M.C. 41.

(9) Plowd. 206.

(10) 7 B. & C. 6; s. c. 5 Law J. Rep. M.C. 95.

(11) 5 Q.B. Rep. 71; s. c. 12 Law J. Rep. (N.S.) M.C. 152.

case is sufficiently certain. No person, we think, can doubt on reading it, that the order mentioned in it is that which was addressed to the churchwardens and overseers of Liverpool, and which formed the subject of the appeal to the Quarter Sessions. Objections were made to the writ itself, but we do not think it necessary to notice them. The main question is, whether the 79th sect. of the stat. 4 & 5 Will. 4. c. 76. applies to this case; and that question is directly raised, because it is plain that the appeal was too late, if it depended on the 9 Geo. 4. c. 40. only, whether we treat it as founded on the 46th or 54th section of that act. It is true that in *The Queen v. Pixley* section 60. was treated as the clause giving the appeal; but it appears to us to be clear, on further consideration of the statute 9 Geo. 4., as it did to Mr. Justice Wightman, in *The Queen v. the Recorder of York*, that the 60th section applies to cases of penalties under the act, and not to orders for maintenance, and that the 54th section gives the appeal, as the late Mr. Justice Williams held, when he made this rule for a mandamus, absolute (12). On consideration, we agree with that learned Judge in what he stated to be his impression, rather than his opinion, with regard to the 79th section of 4 & 5 Will. 4. c. 76. That section was framed with a view to prevent the hasty removal of paupers upon orders obtained *ex parte*, and which might afterwards be litigated. It does not in express terms alter the term for appeal, but it does by implication, because it gives twenty-one days for the officers of the parish to which it is sought to remove the pauper to make up their minds whether they will receive him or appeal, and if they determine on the twentieth day to appeal, it is plain that they must still have the usual time to give notice; but the section is, in most respects, inapplicable to orders adjudicating upon the settlement of lunatic paupers, who are sent to an asylum, and are not removable from it, and therefore not within the mischief as to hasty removals, and who, perhaps, were not chargeable at all to any parish, but were wandering lunatics. Unless, therefore, we are compelled by some strict rule

to hold that, by the words of the 54th section of the 9 Geo. 4. c. 40, "in like manner and under the like restrictions and regulations as against any order of removal," the provisions of subsequent acts of parliament, regulating such appeals, are necessarily incorporated with it, as well as those of acts then in existence, we should certainly exclude the 79th section in question. In the case of *The Queen v. the Justices of Lancashire*, it was held that the 79th section of 4 & 5 Will. 4. c. 76. applies to suspended orders of removal, though the time for appealing against them is made, by the statute 49 Geo. 3. c. 124. s. 2, to be computed from the time of serving such order; and that decision is quite right, for suspended orders of removal are within the mischief of hasty removals, and the 79th section is entirely applicable to them: the execution of them is suspended only till the pauper can safely be removed, which may be much sooner than twenty-one days; whereas, in the case of lunatics, there is no order of removal at all. We were, however, pressed with an argument, that as those statutes regarding lunatic paupers passed since the 4 & 5 Will. 4. c. 76. plainly incorporate the 79th section of that act, viz. 1 & 2 Vict. c. 14. s. 2, 3 & 4 Vict. c. 54. s. 5, and 8 & 9 Vict. c. 126, which last repeals the 9 Geo. 4. c. 40, therefore we must suppose that the legislature intended the 79th section to apply to the 9 Geo. 4. c. 40. We do not think that this consequence necessarily follows. Whether the legislature in those three statutes passed in the present reign fully adverted to the terms of the 79th section in question being in a great measure inapplicable to orders for the maintenance of lunatic paupers, or not, may be doubtful; the language used in them does incorporate the section so far as it is applicable, and must have its legitimate effect; but we are not, therefore, obliged to incorporate the section into a former act, the language of which does not compel us to do so.

Upon the whole, we are of opinion, that this appeal was too late, and that judgment must be given for those who have made the return to this writ of mandamus.

Judgment for the defendants.

(12) See *The Queen v. the Justices of the West Riding of Yorkshire*, (*In re Vincent*) 15 Law J. Rep. (N.S.) M.C. 52.

1847.
April 24, 28; } THE QUEEN v. THE INHA-
June 10. } BITANTS OF CRONDALL.

Poor Law—Relief—Union—Board of Guardians, Authority of, to bind Parish—Evidence—Examinations, what must be sent with Order.

Where application for relief is made by a pauper to the relieving officer of an union, and, in consequence, the board of guardians orders relief to be given on account of one of the parishes within the union, which is accordingly administered by the relieving officer, that is evidence of the relief having been given by the authority of that parish.

In the examinations, on which an order of removal was made, the pauper stated instances of relief to her husband by parish C, and also that she, after his death, applied to and was relieved by the relieving officer of H. Union while living in parish E, which was within that union. The relieving officer of W. Union (in which the parish of C. was comprised) set out a letter received from the relieving officer of H. Union, containing an account of relief given to the pauper, and applying for repayment; that he reported the application to the board of guardians of W. Union, who made an order for payment of the amount (which was produced, properly signed, &c.); that he forwarded the amount in a letter to the relieving officer of H. Union; and that the relief so given was charged in his weekly relief list (produced) to the parish of C. The relieving officer of the H. Union stated an application by the pauper for relief while living in E, stating that C. was his parish; that in pursuance of an order by the guardians of H. Union to give him relief and to charge it to C. parish, in the W. Union, he relieved the pauper and sent an account to the relieving officer of W. Union, who repaid the amount. This was held to be legal evidence, from which it might be inferred by the removing Justices that the relief was given by the authority of the parish C.

The pauper was sworn and examined as to her settlement on the 27th of February, and her statement was then taken down in writing and signed by the pauper, but not by the Justices, and had no jurat: it was indorsed: "Draft examination of M. C, February 27, 1845, retaken afterwards:" the pauper was

again examined on March 6, and the examination taken on the second occasion was the only one sent with the copy of the order of removal.

Quære—Whether the former examination ought also to have been sent.

On an appeal by the churchwardens and overseers of the parish of Crondall, in the county of Hants, against an order of two Justices for the removal of Martha Croucher and her eight children from the parish of Elstead, in the county of Surrey, the Court of Quarter Sessions confirmed the order of removal subject to a case, the material parts of which were as follows:—The examination of Martha Croucher, the pauper, taken March 6, 1845: "I am about thirty-eight years of age, and am the widow of James Croucher, late of the parish of Elstead, deceased. I was married to my said late husband at the parish church of Crondall, in January 1826, and I and my said husband constantly resided at Crookham, in the parish of Crondall aforesaid, from the time of our marriage until the latter end of 1837. * * * During the time I and my said husband lived at Crookham aforesaid, we were several times relieved during the winter months by the parish of Crondall, with an allowance of bread, and I and my children were once relieved by being taken into the union workhouse of the Hartley Wintney Union (of which union the parish of Crondall aforesaid was then and is now part), where we remained six or seven days without any endeavour to remove my husband and family to another parish. * * * In the year 1838 my husband went to live in the said parish of Elstead; he was taken ill and unable to work; this was in the latter end of the year 1839 or the beginning of the year 1840. In consequence, I applied to Mr. Lodge, Mr. Rowland, and Mr. Chandler, of Crondall parish, for relief. They told me I must apply to the parish where I lived, and that they must settle it with that parish. I accordingly applied to Mr. George Woods, the relieving officer of the Hambledon Union, and he relieved my husband several times during his illness with money. My husband died in the month of June last; at the time of his death he and his family were living in Elstead parish: very soon

after his death I applied to the overseers of Elstead for relief. I was at first relieved by them with money and bread, and afterwards was removed with my said children from Elstead parish, in which we were then living, to the poor house of the Hambledon Union, where we are now supported at the expense of Elstead parish, which forms part of the Hambledon Union. I continued to reside with my said children in the parish of Elstead from the time of my husband's death till we were removed to the Hambledon Union-house."

The examination of Samuel Andrews, &c. : "I am one of the relieving officers of the Hartley Wintney Union, in the county of Southampton. The parish of Crondall forms part of the said union, and is situate in the district of the said union for which I am the relieving officer. I produce a letter (hereto annexed) which I received from George Woods, the relieving officer of the Hambledon Union, in the county of Surrey, containing an account of the relief given by him to James Croucher and his family, amounting to 2*l.* 2*s.* 9*d.*, whilst resident in the parish of Elstead, in the said county of Surrey, and an application for the payment of the amount. In consequence I made a report of the application to the board of guardians of the Hartley Wintney Union. I produce the application and report book for my district of the said Hartley Wintney Union, commencing the 25th of December 1836, and ending the 25th of December 1840; this book contains an entry of the application by James Croucher for relief, and an order for payment of the said sum of 2*l.* 2*s.* 9*d.*, made the 27th of March 1840, and signed with the initials of James Brooks, the clerk of the guardians of the said union. I also produce the weekly out-door relief list of my district of the Hartley Wintney Union, commencing the 25th of December 1835, and ending the 14th of June 1840; this book contains an entry for the quarter ending June 24, 1840, of the payment to James Croucher, his wife and seven children, of the said sum of 2*l.* 2*s.* 9*d.* I inclosed the said sum of 2*l.* 2*s.* 9*d.* for the amount of relief given by the said G. Woods to the said J. Croucher and his family in a letter addressed to Mr. Woodward by mistake for Mr. Woods, relieving officer of the Hambledon Union, dated the 14th of May

1840. The relief so given to the said J. Croucher is charged in the said out-door relief list to the said parish of Crondall."

Copy of Letter referred to.

"To Mr. Samuel Andrews, relieving officer, Odiham, Hants.—Sir,—Inclosed you will find the particulars of James Croucher and his family; also the amount of relief given to him and his family during his illness—he is gone to his work to-day, and I hope will be able to continue to do so: if not, I will pay him according to the directions of our board, as I have hitherto done, and acquaint you of it. I will thank you to remit the money to me as early as convenient: by so doing you will much oblige, yours, &c. George Woods, R.O.—Relief given to James Croucher, 2*l.* 2*s.* 9*d.*"

The examination of George Woods, &c. : "I was relieving officer of the Hambledon Union, in the county of Surrey, in the years 1839 and 1840. Elstead parish forms part of this union. In the latter part of the year 1839, or the beginning of the year 1840, I was applied to by Martha Croucher to relieve her husband James Croucher, who she said was ill. I went to see him and gave him temporary relief: he was at this time living in the parish of Elstead, in the county of Surrey. James Croucher stated that Crondall, in the county of Hants, was his parish. I reported the circumstance to the board of guardians of the Hambledon Union the next board day. I was afterwards ordered by the board of guardians of the Hambledon Union to relieve the pauper James Croucher during his illness, and charge such relief to Crondall parish, in the Hartley Wintney Union, Hants. I accordingly relieved the said James Croucher from time to time during his illness, and sent an account of such relief in a letter to Mr. Andrews, of Odiham, one of the relieving officers of the Hartley Wintney Union, who sent me the amount thereof inclosed in the annexed letter. This was, I think, the first letter I received from him, and was an answer to my application for the repayment of the relief afforded to James Croucher and his family. I have received other letters since the above in the same handwriting, in answer to letters which I had addressed to him, Mr. Andrews, relieving officer, Odiham. I kept no copy of the account or of the letter I sent to Mr. Andrews, nor do I now know the amount of

the account. The parish of Crondall forms part of the Hartley Wintney Union."

Copy of Letter referred to.

" Odiham, May 14, 1840.

" To Mr. Woodward, relieving officer,
Upper Chiddingfold.

" Sir,—The inclosed I hope you will find correct for cash advanced to James Croucher and family, for which we feel much obliged for your trouble, &c. S. Andrews, R. O."

The examination of James Brooks, &c. : " I am the clerk to the board of guardians of the Hartley Wintney Union, in the county of Southampton. The parish of Crondall, in the said county of Southampton, forms part of the union. I produce the abstract of the application and report book of the said union, commencing the 25th of March 1838, and ending the 24th of June 1840 : in page 125 of this book is an entry of the allowance of the sum of 2*l.* 2*s.* 9*d.* to be paid by S. Andrews, the relieving officer of the Hartley Wintney Union, for relief to James Croucher, his wife and seven children during illness ; the entry is signed with the initials of the Hon. F. G. Calthorpe, the presiding guardian of the said union. The application and report book of the said S. Andrews, one of the relieving officers for the said union, now produced by him, wherein an order for payment of 2*l.* 2*s.* 9*d.* to James Croucher, his wife and seven children, was made the 27th of March 1840, is duly verified by my initials as clerk to the guardians of the said union."

The following were the grounds of appeal relating to the points reserved in the present case :—That copies of the proceedings before the Justices by whom the said order was made were not sent with a duplicate or a copy of the said order to the overseers of the poor of the said parish of Crondall ; and that copies of all the examinations taken before the said Justices touching the settlement of the said Martha Croucher and her said children, and upon which the said order was made, have not been sent to us, particularly an examination of the said Martha Croucher taken on the 27th of February last. And as to the alleged relief of the said James Croucher whilst residing in the said parish of Elstead in the years 1839 and 1840, the said examinations do not contain any sufficient legal evidence of relief of the said James Croucher or his

family by the churchwardens and overseers of the said parish of Crondall, or by any person or persons having any legal authority to acknowledge the said James Croucher as a settled parishioner thereof. And that the evidence of the payment of the sum of 2*l.* 2*s.* 9*d.* by the board of guardians of the Hartley Wintney Union ought not to have been received ; and that the said examinations do not contain any evidence of payment of the said sum of 2*l.* 2*s.* 9*d.* by the parish of Crondall, or that the churchwardens and overseers of the said parish of Crondall had any notice of the payment of that sum for the relief of the said James Croucher, or otherwise, or that they knew that the said James Croucher, his wife and children, were not then residing in the said parish of Crondall, nor do the said examinations contain sufficient legal evidence of any acknowledgment of the said James Croucher, or his wife or children, as settled parishioners of the said parish of Crondall by any person or persons having legal authority to bind the said parish ; that it is not stated, nor does it appear who Mr. Lodge, Mr. Rowland, and Mr. Chandler were, or that they had any authority to bind the parish of Crondall, or that at that time the said James Croucher was residing out of the said parish of Crondall ; nor does such alleged statement of the last-named persons amount to any admission of the liability of the parish of Crondall to relieve or support the said paupers.

On the hearing of the appeal, it was proved that the matter of complaint was heard by the Justices who made the order of removal on two days : the 27th of February, when some of the witnesses were examined, and the 6th of March, to which day the inquiry was adjourned, when the remainder of the witnesses were examined. On the 27th of February, Martha Croucher, the pauper, was sworn and made a statement, in the presence of the two Justices, which was taken down in writing ; this writing was produced at the trial, and inserted in the case. It was headed " The examination of Martha Croucher, &c., taken before us, &c., the day of January 1845," and was indorsed " 1845. Draft examination of Martha Croucher, February 1845—retaken afterwards." The words " draft," " February 1845," " retaken afterwards" are written

in pencil. It was further proved at the trial that though the above document bears date in January, the statement was in fact made by the pauper on the 27th of February; that the said document was prepared by Mr. King, who was acting as the attorney for the parish of Elstead, and was not otherwise acting as clerk to the said Justices; that the pauper, Martha Croucher, signed the said document, and that a copy of the same was not sent to the appellants, and that the alterations therein and notes thereon were made by Mr. King after the 27th of February. It was also proved that the examination of the said Martha Croucher on the 27th of February was not signed by the Justices, and that she was re-examined on the 6th of March. Hereupon it was objected, on the part of the appellants, that the said document was an examination, a copy of which ought to have been sent to the appellants with the other examinations; the respondents replied that it formed no part of the examinations upon which the order was made. The Court of Quarter Sessions overruled the objection, subject to the opinion of the Court of Queen's Bench whether the said written statement of Martha Croucher of the 27th of February sworn to by her, but without a jurat, and not signed by the Magistrates, was to be considered an examination, of which a copy should have been sent to the appellants.

It was also objected by the appellants' counsel, that these examinations contained no evidence of any acknowledgment by the parish officers of Crondall that the pauper J. Croucher and his family were settled in that parish, inasmuch as the only relief stated to have been given to them whilst residing out of the parish of Crondall was the repayment by the guardians and relieving officer of the Hartley Wintney Union of relief originally given by the relieving officer of the Hambledon Union, in which the paupers resided, and not by any officer of the parish of Crondall, and that, therefore, the respondents were not entitled to adduce evidence at the sessions of any such acknowledgment; but the Court of Quarter Sessions overruled the objection, and subsequently confirmed the order of removal, subject to the opinion of the Court of Queen's Bench whether the relief stated in the examinations to have been given by the guar-

dians through the relieving officer of the Hartley Wintney Union was sufficient to warrant the removing Justices in considering it relief by the parish of Crondall. If the Court of Queen's Bench should be of opinion that the before-mentioned written statement of M. Croucher, of the 27th of February, sworn to by her, but without a jurat, and not signed by the Magistrates, was to be considered an examination, of which a copy should have been sent to the appellants; or if the Court of Queen's Bench should be of opinion that the relief stated in the examinations to have been given by the guardians through the relieving officer of the Hartley Wintney Union, was not sufficient to warrant the removing Justices in considering it relief by the parish of Crondall, then the order of Sessions was to be confirmed.

In Michaelmas term, 1846,—

Wallinger and J. Pitt Taylor argued the first point reserved, and cited *The Queen v. Outwell* (1), *The Queen v. Bloxham* (2), *The Queen v. Holne* (3), *The Queen v. Norbury* (4), *The Queen v. Shipston-upon-Stour* (5).

The Court did not call upon the appellants in answer; but took time to consider, and subsequently decided that they would not stop the case upon this preliminary point. Accordingly, in Easter term—

Wallinger and J. Pitt Taylor were heard, in support of the order of Sessions, on the point as to the relief.—There is ample evidence in the examinations of an acknowledgment by relief given by Crondall: it is beyond question that relief was given by the board of guardians of the union, by the evidence of the relieving officer and the production of the books. This distinguishes the present case from *The Queen v. Little Marlow* (6); which is in favour of the respondents upon the point that relief given by order of the guardians might be inferred to be given on behalf of the parish; and if such inference may be drawn, the Justices have done so here. Can then relief given by the board of guardians

(1) 9 Ad. & El. 836; s. c. 8 Law J. Rep. (N.S.) M.C. 27.

(2) 6 Q.B. Rep. 528; s. c. 14 Law J. Rep. (N.S.) Q.B. 13.

(3) 15 Law J. Rep. (N.S.) M.C. 125.

(4) 2 New Sess. Cases, 344.

(5) 6 Q.B. Rep. 119; s. c. 13 Law J. Rep. (N.S.) M.C. 128.

(6) *Ante*, M.C. 70.

amount to relief given on behalf of a particular parish within the union? The board of guardians acting at a meeting are the regularly constituted authorities to act in the relief of the poor—5 & 6 Will. 4. c. 76. ss. 26, 38. Every parish must be represented at the board by at least one guardian elected by the rate-payers, and he can, therefore, bind that parish at the board. Each parish is to have a quarterly account of the relief ordered on its behalf by the guardians. In fact, the guardians are now the representatives of the parish, and can bind it by their acts, in the same manner as the churchwardens and overseers could formerly; which they did by an implied, not express, authority—*The Queen v. Carnarvonshire* (7). When it has been once proved that a particular parish is within an union, and that an order for relief has been made by the guardians on account of that parish, the presumption is that the parish is affected by that relief. *Slater v. Hodgson* (8) shews that an union is a place where parish documents are kept. A parish may be affected by a settlement formerly gained in a distinct part of it—*The Queen v. St. Martin's* (9). The Justices were, therefore, almost driven to conclude that the relief was given on behalf of Crondall. There are some cases where the act of the guardians does not bind the particular parish, but that is where the guardians act out of the scope of their authority—*The Queen v. the Justices of Surrey* (10). The overseers of a parish within an union may be compelled by mandamus to pay money ordered by the board of guardians, even though no guardian has been elected for that parish—*The Queen v. Todmorden* (11). It is not necessary to shew that the parish charged was actually aware of the payment—1 *Phil. Evid.* 495. *The Queen v. Bradford* (12) and *The Queen v. Little Marlow* are not in point: they only decide that a statement that relief was given by a

relieving officer of an union on behalf of a parish within the union, is not of itself evidence to charge that parish; but in those cases there was nothing to shew that any person authorized to act for the parish had assented to the relief being given. Here it expressly appears that the money paid to the Hambledon Union was charged by the relieving officer of the Hartley Wintney Union to the parish of Crondall.

[WIGHTMAN, J.—I do not see by what authority it was charged to that parish.]

It was charged by order of the guardians, and that is enough to bring it to the notice of the guardian acting for Crondall. The question is, not whether the evidence is conclusive, but whether there is any evidence at all to raise a presumption which the appellants should have rebutted.

Knapp and Corner, contra.—First, there is no proof of any order of the board of guardians authorizing the relieving officer to make the payment on behalf of Crondall. If this is so, the case falls within the decision in *The Queen v. Little Marlow*. But, secondly, the guardians have no power to make such an admission to bind a particular parish within the union. It does not appear that it was brought to the knowledge of the guardians that the pauper was, at the time when the relief was given, out of the relieving parish, nor does it appear that the parish knew of and authorized the admission by their agents. Relief is only evidence of a settlement by admission—*The Queen v. Totnes* (13). If the parish had been aware of the relief, they might have contested their liability to pay it.

[ERLE, J.—I think there is strong presumptive evidence that the parish did actually know this from the application of the wife to three persons, whose character is not stated.]

No presumption can be made in an examination—*The Queen v. Old Stratford* (14), *The Queen v. Wymondham* (15). The board of guardians do not represent the parish for any purposes of settlement—*The Queen v. St. Margaret's, Westminster* (16).

(13) 7 Q.B. Rep. 690; s. c. 14 Law J. Rep. (N.S.) M.C. 148.

(14) 2 Ibid. 513; s. c. 11 Law J. Rep. (N.S.) M.C. 115.

(15) Ibid. 541; s. c. 12 Law J. Rep. (N.S.) M.C. 74.

(16) 14 Law J. Rep. (N.S.) M.C. 131.

(7) 2 Q.B. Rep. 326; s. c. 11 Law J. Rep. (N.S.) M.C. 3.

(8) 2 New Sess. Cases, 488.

(9) 15 Law J. Rep. (N.S.) M.C. 123.

(10) 5 Q.B. Rep. 506; s. c. 13 Law J. Rep. (N.S.) M.C. 86.

(11) 1 Q.B. Rep. 185; s. c. 10 Law J. Rep. (N.S.) M.C. 65; 3 Q.B. Rep. 675; 11 Law J. Rep. (N.S.) M.C. 129.

(12) 15 Law J. Rep. (N.S.) M.C. 117.

It is not necessary that a guardian should be elected for every parish within the union—*The Queen v. Todmorden*: if so, according to the argument of the respondents, a parish which had no guardian, or whose guardian did not attend the board, might be fixed by the act of the board.

[ERLE, J.—This being only presumptive evidence of a settlement in Crondall, that parish was at liberty to rebut it.]

Crondall did not appear before the removing Justices, and could not therefore do so. But the facts by which the presumption is raised ought to be shewn. The board of guardians are only charged with the administration of the relief of the poor in the union—5 & 6 Will. 4. c. 76. s. 38.

[ERLE, J.—“In such union” means belonging to the union.]

[LORD DENMAN, C.J.—Suppose a certificate man residing out of the union, could not the union relieve him?]

The certificate would be the admission by the parish, and conclusive on them. As to the parish being bound by the receipt of quarterly accounts of the relief ordered, the parish cannot repudiate the sum charged against them as out-door relief, a list of which is not published.

[They then argued the point as to the copy of the examination of Martha Croucher not having been sent, on which the Court gave no judgment.]

Judgment was now (June 10) delivered by—

LORD DENMAN, C.J.—In this case we take the remaining question to be in effect, whether evidence was produced before the removing Justices from which they could legitimately infer that out-parish relief had been given to the pauper by the authority of the appellants parish. Where an application for such relief has been made to the relieving officer of a union, whose duty it is to examine into the merits of the case, and to report thereon to the board of guardians, and where he has brought the application before that board, whose duty it is to inquire into the settlement and to order such relief only in case of being satisfied that the settlement is in one of the parishes of the union, and relief has been ordered by that board on account of one of the parishes, and given by the relieving officer according

to such order, all the steps now required by the law have been taken, and such relief is legally given. We also think that the Justices are at liberty to infer the authority of the parish for such relief from those steps, as the parish is represented at the board of guardians, and may have its guardian in attendance; and whether he attends or not, it is the legal duty of the board to act for the parish, and to take care of its interest. In *The Queen v. Little Marlow* we decided that relief by the relieving officer without proof of the order of the board of guardians, was no legal evidence of the authority of the parish for such relief, on the principle that the relieving officer is authorized to act as agent for the parish in this matter only so far as he is ordered by the board; and therefore, without an order from the board, his authority as agent was not shewn. We would add, that our province ends when we have decided that there is some legal evidence of the thing to be proved, leaving to the proper tribunal the duty of deciding on the effect of such evidence. If the thing to be proved is this species of acknowledgment by the parish of a settlement therein, the Justices, either as removing Magistrates, or in Quarter Sessions on appeal, are to see whether their minds are brought to the required conclusion from all the evidence before them. In the present case the requisite evidence, as above explained, and more, was adduced. Our judgment is therefore for the respondents, and both orders are affirmed.

Orders of Sessions confirmed.

1847. }
July 3. } KEEN v. THE QUEEN.

Quarter Sessions—Jurisdiction—Power to respite Judgment from one Sessions to another.

Defendant having pleaded guilty at the January Quarter Sessions to indictments for misdemeanour, was thereupon bound over by recognizance to appear to receive the judgment of the Court at the next Quarter Sessions, and the judgment was respited to those sessions. At the next (April) sessions, judgment was again respited till the then next Quarter Sessions. At those sessions,

held in June, judgment was given by the Court, that the defendant should be fined and imprisoned for the offences charged in the indictments:—Held, on error brought, that the Court of Quarter Sessions, being a continuing court, had power to respite the case from one sessions to another.

The record alleged, that at the January sessions it was "considered and adjudged" that the defendant should enter into recognizances:—Held, that these words did not give the order to enter into recognizances the effect of a judgment, so as to oust the Sessions of their jurisdiction to pronounce the subsequent judgment at the June sessions.

Error from the Court of Quarter Sessions for the county of Essex. Be it remembered, that at the General Quarter Sessions, &c., held in, &c., on Tuesday the 6th of January 1846, before &c., and from thence continued by several adjournments, &c., on Tuesday the 17th of February, in the year aforesaid, by the oath, &c., it is presented in manner and form firstly, secondly and thirdly hereinafter mentioned (that is to say); and firstly it is presented, in manner and form following, that is to say, "Essex (to wit), the jurors for our Lady the Queen, upon their oath, present that John Keen, late of &c., on &c., with force and arms, at the parish aforesaid, in the county aforesaid, in and upon one Sophia Keen, the wife of the said J. Keen, &c., did unlawfully and violently make an assault, and her, the said S. Keen, did then and there unlawfully, maliciously and violently beat and ill-treat, &c. (setting out several other counts of the same indictment, and two other indictments, preferred at the same time, for similar offences). Wherefore the sheriff, &c. is commanded, &c., that he cause the said J. Keen to come before the Justices of our said Lady the Queen last above named, to answer our said Lady the Queen concerning the premises in the said several indictments, &c.; and the said indictments the Justices last above named afterwards, to wit, at the said General Quarter Sessions, &c. (on the 17th of February 1846), by their proper hands, do deliver here in court, in form of law to be determined. And, thereupon, at the same General Quarter Sessions of the Peace, &c., comes the said J. Keen, in his own proper person, and forthwith, con-

cerning the premises in the said three several indictments above specified and charged on him, being asked in what manner he will be acquitted thereof, the said J. Keen says that he is guilty thereof. Whereupon, all and singular the premises being seen and fully understood by the Court here, *it is considered and adjudged* by the Court here, that the said J. Keen do enter into recognizances to our Lady the Queen in the sum of 200l., and two sureties in the sum of 100l. each, to appear and receive the judgment of the Court at the next General Quarter Sessions of the Peace to be holden in and for the said county, if called upon, and to keep the peace towards the Queen, and all her liege subjects, and especially towards S. Keen his wife, for the space of twelve calendar months. And thereupon the said J. Keen, together with W. A., of &c., and T. W., of &c., sureties, &c., severally acknowledge themselves to be indebted to our Sovereign Lady the Queen, &c. And because the Court here is not advised what judgment to give of and upon the said several premises in the said indictments respectively mentioned, judgment is respited thereon until the next General Quarter Sessions of the Peace, &c., and day is given for the said J. Keen to appear, then and there, in his own proper person, to hear and receive the judgment of the Court of and concerning the several premises aforesaid, and the said J. Keen is allowed forthwith to depart the court free. At which said next General Quarter Sessions, holden at Chelmsford, on Tuesday the 17th day of April 1846, before &c. and others, because the said last-mentioned Justices are not yet advised what judgment to give of and upon the said several premises in the said indictments respectively mentioned, judgment is further respited thereon until the next General Quarter Sessions, at which said next General Quarter Sessions, holden &c., on Tuesday the 30th day of June, before &c., cometh the said J. Keen in his proper person, and the Court here being now advised, and all and singular the premises in the said indictments respectively mentioned being seen, and by the Court here fully understood, *it is considered and adjudged* by the Court here, that the said J. Keen, for each and every of the offences in the said indictments and in each count

thereof respectively mentioned, be imprisoned in the gaol of Springfield, in and belonging to the said county, six calendar months, each and all of such several terms of imprisonment to commence on the same day and end on the same day; and that for the said offence in the first count of the first of the said indictments mentioned, the said J. Keen do also pay a fine to our Sovereign Lady the Queen of 50*l.* of good and lawful money of Great Britain, and do also enter into his own recognizance in the sum of 100*l.*, and find two sureties in the sum of 50*l.* each, for his good behaviour towards our Lady the Queen and all her liege subjects, and especially towards S. Keen his wife, for the further term of twelve calendar months, from the expiration of this sentence, and be further imprisoned in such gaol until he pay such fine, and until such recognizances shall be entered into; and the said J. Keen is forthwith committed, &c.

The grounds of error assigned were in substance,—first, that it appeared on the record that the Court of Quarter Sessions had pronounced two separate and distinct judgments; and that the last of these was, therefore, without jurisdiction. Second, that a Court of Quarter Sessions has no authority to respite a judgment from one session to another, and that the judgment at the Midsummer sessions was, therefore, without jurisdiction.

Peacock, for the plaintiff in error.—First, the Court of Quarter Sessions was *functus officio* when it had pronounced judgment on the defendant's pleading guilty—*The King v. Bourne* (1).

[PATERSON, J.—The Court of Quarter Sessions say that they are not yet advised; and, therefore, that recognizances are to be entered into.]

The recognizance is part of the judgment—*The Queen v. Dunn* (2).

[PATERSON, J.—The judgment is respited on the defendant's entering into recognizances, and if he had not entered into them, judgment would have been given at the time; but the record goes on to say that the defendant did enter into the recognizances.]

[COLERIDGE, J.—That which is done, can only be done by the defendant's own consent, the conditional order is an agreement that certain things shall be done.]

The words "considered and adjudged" can hardly be said to amount to an agreement. Those words amount to a judgment—*The King v. Kenworthy* (3), *Willes v. Bridger* (4).

[ERLE, J.—The words "considered and adjudged" cannot alter the legal effect of what really was done. We must look at the whole record; and it plainly appears that the judgment was respited.]

Then, secondly, a Court of Quarter Sessions has no power to respite the judgment from one sessions to another—*Dickenson's Quarter Sessions*, pp. 61, 75, 900, *The King v. Grince*, *Vin. Abr.* 'Sessions of the Peace,' W. The Justices may before the actual close of the sessions, on whatever day, alter their orders or sentences; but they cannot do this after the session is closed, *e. g.* at the next sessions; and there can be no adjournment to a day later than that appointed for the next ensuing sessions.

[COLERIDGE, J.—The power of adjourning appeals for want of notice is, no doubt, given by statute: but could not the Sessions adjourn an appeal on other grounds,—for instance, the absence of a material witness? We adjourn cases from one assizes to another, though we sit under a different commission.]

That power is given by statute 1 Edw. 6. c. 7, which provides, "that no process or suit made before the Justices of assize, gaol delivery, &c. shall be in anywise discontinued by making or publishing any new commission, or by altering the names of the Justices." (5).

Marsh, *contra*.—The whole of the argument on the other side rests on no other authority than *Dickenson*; and the passage which is cited from that book is not supported by any authority. The authorities were, indeed, all the other way. In *The King v. Cuckfield* (6) it would appear that the Sessions, without adjournment, reversed at one sessions an order made at a former sessions; and it was held that they had no

(1) 7 Ad. & El. 58; s. c. 6 Law J. Rep. (N.s.) M.C. 129.

(2) 12 Ibid. 599; s. c. 10 Law J. Rep. (N.s.) M.C. 29.

(3) 1 B. & C. 711.

(4) 2 B. & Ald. 278.

(5) 2 Hale, P.C. 27.

(6) 2 Salk. 477.

power to do so. In *Pridgeon's case* (7), the same thing appears to have been done by the Sessions, and set aside by this Court; but those cases do not apply to the present. In *The King v. Grince*, the Sessions gave judgment on a case tried at the Epiphany sessions, at a sessions held by adjournment from those sessions on a day subsequent to the Easter sessions. In *Linfield v. Battle* (8), Holt, C.J. said, "Though a Sessions may adjourn from one day to another, and so sit by adjournment, yet it must not appear in a lump as sitting three days together, but consecutively." And in *Thurston v. Stratford* (9), it was not disputed that a case might be adjourned from one Quarter Sessions to another.

[LORD DENMAN, C.J.—The general commission of the peace authorizes the Justices to "continue process" against all and singular persons indicted, &c.]

And the power of continuing process is incident to all courts of record—*Com. Dig.* 'Court,' P. 4.

[COLERIDGE, J.—It is the ordinary practice to apply for a mandamus to Justices to enter continuances to hear.]

In *The King v. Bourne*, the power of a subsequent Sessions to deal with the record of a former Sessions was not disputed. In *The King v. Fowler* (10), the trial of an indictment appeared on the record to have been postponed from one sessions to another. That case is decisive, as there was no adjournment of the sessions.

Peacock, in reply.—In *The King v. Fowler* there was a mis-trial, and the case was referred to a different Sessions altogether. It is important that the practice, as laid down by the text writers, should be adhered to.

LORD DENMAN, C.J.—It appears to me that the whole argument for the plaintiff in error in this case, rests on a fallacy. It assumes that the second court is not the same as the first. That is not so. The whole body of Justices constitute the Court of Quarter Sessions; it is true that it only is formed and acts from time to time; but it

must have power of adjourning a case if it sees good reason; and there can be no better reason for an adjournment than this, that the Justices have not made up their minds as to the judgment they are to give. Besides, the party should have an opportunity of entering into the recognizances.

PATTESON, J.—I am of the same opinion. I was certainly struck at first with the argument as at first presented, and the passage cited from *Dickenson*. But no authority is to be found which fully bears out the position there laid down. The statute of Edw. 6. was passed to remove doubts as to the continuance of process, in cases where the names of the Justices were altered, and may well apply to Judges of assize, who act under different commissions from time to time; but the Court of Quarter Sessions always is held under the same continuing commission, and must, necessarily, have the power of adjourning cases from one period of its sitting to another.

COLERIDGE, J.—If we consider the constitution of the Court of Quarter Sessions it will be quite evident that such a court is a continuing court, and has power to continue and respite process. The words of the commission shew this. Then comes the statute 36 Edw. 3, which directs the Justices to hold their session four times in the year: statute 12 Rich. 2. is to the same effect. The stat. 2 Hen. 5. c. 4. actually specifies the four periods at which the sessions (hence called Quarter Sessions) should be held; but it is still the same body of Justices, and there is no distinct commission. The practice we observe shews that we always proceed on this principle. The mandamus which issues from this court confers no authority on the Justices, but only directs them to do something which they have authority to do; and often when they have heard and discharged themselves of jurisdiction, we still treat them as being a continuing court.

ERLE, J.—I am of the same opinion. The practice of adjournment is constantly followed by Courts of Quarter Sessions, and is highly important; and there is no authority for the position laid down in Mr. *Dickenson's* book. I have turned to the authority cited from *Bott*, 733—*Bodmin v. Warligen*. That was the case of an appeal; and the Justices being divided at the first

(7) Cro. Car. 341.

(8) 2 Salk. 605.

(9) Lutw. 272.

(10) 4 B. & Ald. 273.

session, no order was made; and the Court say, "If the Justices were divided in opinion, that was a sufficient warrant to the clerk of the peace to enter an adjournment, and it was his duty so to have done;" and the judgment proceeds, "if the parties will not consent to quash both orders we will consider whether we cannot send it down again to have the entry of the first order amended. The first order was subsequently quashed, because made without adjournment but no opinion was given." It is of the greatest importance that the Sessions should have this power. According to the doctrine now contended for, it would follow that if a witness were taken ill, a prisoner must be acquitted.

Judgment for the Crown.

1847. } THE QUEEN v. THE CHURCH-
April 21, 24; } WARDENS AND OVERSEERS
June 26. } OF MILE END OLD TOWN.

Poor-Rate—Water Company—Apportioning Rate in several Parishes.

*A water company possessed works, situate in several different parishes, consisting partly of works directly productive of profit (as service-pipes which deliver the water to the consumers), and partly of works indirectly productive of profit (as buildings, mains, reservoirs, &c. which assist in bringing the water to the service-pipes). The rateable value of the entire works having been ascertained by the net estimated rental (30,800*l.*), the proper mode of apportioning the rate in the different parishes is as follows:—The portion of the works indirectly productive of profit should be first assessed in the ordinary way, by valuing the land and buildings, and the amount so ascertained deducted from the whole rateable value, and distributed to the districts in which those parts of the works are situate. The residue of the whole rateable value should be apportioned among the parishes in which the parts of the works directly productive are situated, in the ratio of the rent to be expected if the parts situate in each parish were let separate; this ratio is correctly ascertained by the ratio of the net profits in each of the several parishes, or the ratio of the gross receipts in the several*

parishes wherever the total of expense is common to the whole apparatus.

On the 6th of January 1843, a rate was made by the parish officers of the hamlet of Mile End Old Town, in which the company of proprietors of the East London Waterworks was assessed at the net annual sum of 1,473*l.*, in respect of their mains, pipes, and other works fixed in the ground for conveying water. Against this rate the company appealed to a Special Sessions, held in pursuance of 6 & 7 Will. 4. c. 96. (Parochial Assessment Act), when the Magistrates decided that the annual value of the company's occupation in the hamlet was 900*l.*, and reduced the rate to that sum. The hamlet thereupon appealed to the Quarter Sessions for the county of Middlesex, when the decision of the Special Sessions was confirmed, subject to the opinion of the Court of Queen's Bench upon case, as to the amount at which the company should be assessed in the said hamlet. This order of Sessions having been brought up by *certiorari*, a rule to shew cause why it should not be quashed was obtained in the ordinary way. It was afterwards referred by rule of this Court to an arbitrator to decide the amount at which the said waterworks company should be rated to the relief of the poor of the hamlet of Mile End Old Town, who was to be at liberty to state any point in a case for the opinion of the Court. The arbitrator accordingly awarded that the rate upon the said company in the said hamlet should be assessed on the net estimated rental or rateable value of 1,473*l.*, and stated for the opinion of the Court the following facts:—The company is incorporated by a public act of parliament, (to which the Court was referred). The whole subscribed capital of the company, viz., 443,300*l.*, together with a further sum saved out of income, amounting in the whole to 674,500*l.*, has been invested in permanent works, situate in twenty-one parishes or parochial districts, having separate poor-rates. Out of this sum 19,000*l.* has been invested in the hamlet of Mile End Old Town. The revenue (with a trifling exception) arises from water-rates, and the gross annual receipts from them amount to 54,000*l.* The annual disbursements, including all the deductions specified in the act, 6 & 7 Will. 4.

c. 96. (Parochial Assessment Act), and also including remuneration for personal skill, labour, and management, amount to 18,000*l.* The gross receipts for water-rates in the hamlet are 8,900*l.* The disbursements in the same are 3,000*l.* Hence, the total net receipts of the company amount to 36,000*l.* The net receipts in the hamlet are 5,900*l.* The company have and also require an average stock of personal property consisting of coals, materials, and other goods on their premises of the value of 2,000*l.* In several of the parishes the water-rates are very trifling, but the company possess therein extensive permanent works, such as buildings, reservoirs, conduits, canals, bridges, and mains, yielding to the company no other profit than as being conducive to the earning of water-rates received in other parishes. The annual value of these may be assumed for the purpose of this case to be 6,500*l.*, as mere land and buildings, with the fixtures and machinery attached, and deriving some additional value from their capacity of being applied to such purposes as that of a water company. In the hamlet of Mile End Old Town there are no works, except mains and pipes for the supply of the inhabitants. The quantity of mains and pipes, and of land occupied by them in the different parishes in which water-rates are received (excluding from the calculation all land, reservoirs, buildings, and the other permanent works above mentioned, rateable merely as such without regard to the profits derived from water-rates) may be taken in this case to be in the direct ratio of the gross receipts in each parish. Any one who should become a lessee for a term of years under the company of the whole waterworks throughout the district, with the intention and power of supplying it with water, under the powers of the company's act of parliament, ought to have at his command a floating capital of 20,000*l.* But no prudent person would take a mere lease from year to year of such a concern, nor would he take a lease of the works in any single parish only. The rate made by the overseers of the hamlet on the company is a good one, and ought to stand, if the following mode of calculating the rateable value of the mains, pipes, &c. is tenable in point of law. As the total net receipts, viz.,

36,000*l.*, measure the full value of the waterworks in the hands of a lessee, who must retain his own profit out of them, the company ought not to be assessed upon that entire amount, for a tenant under them would be entitled to expect a large return of profit on a concern requiring judicious management, and the employment of a large capital and involving risk and responsibility. He might have to borrow the necessary capital at 5*l.* per cent, and would be entitled to a large trade profit on his floating capital, and on the stock of personal property necessarily kept in hand on the premises. A profit of 25*l.* per cent. on the sum of 20,000*l.*, and 10*l.* per cent. on the value of the stock on hand may be assumed as not unreasonable under the circumstances. The profit of the tenant may therefore be taken at 5,200*l.* per annum. The remuneration for personal trouble now received by the board of management would be received by the lessee himself, and is already included in the disbursements. The difference, namely, 30,800*l.* per annum, is what a lessee would be willing to pay to the company under his lease, and is therefore the net estimated rental or annual value on which the rate should be calculated if the whole works were in one parish. But, the works being in different parishes, in some of which (as above stated) no profits are derived from water-rates, the basis of valuation will not be uniform throughout all of them.

The parishes, in which a large profit is made by water-rates, will take their profits into their estimate, because the mere land covered by the mains and pipes is of trifling value. On the other hand, the parishes in which the water-rates are small or none, and the lands, buildings, and machinery of the company extensive, will base their estimates on the probable rent of the land and buildings as such. Hence, before the net rental of 30,800*l.* is apportioned among the parishes in which the water is delivered, and the water-rates actually received, the annual value of works legally rated on a different principle or basis must be deducted. This last-mentioned value is as above stated 6,500*l.*, and therefore the net annual value to be apportioned among the parishes in the ratio of the receipts for water-rates in each is 24,300*l.* The result gives an annual

value in Mile End Old Town, which will support the rate. So, if this net value be apportioned among the parishes in which the water-rates are received in the ratio of the quantity of mains, pipes, and lands occupied by them in each, the result will be nearly the same, and will support the rate, inasmuch as those quantities are (as above stated) to be taken in the present case to be in the ratio of the gross receipts. On the part of the company it is contended, first, that the net receipts do not represent the earnings in each parish, the water-rates being in fact earned not by the pipes in the particular parish, but by all the works of the company employed to collect and to distribute the water from its sources. Secondly, that the deduction in respect of tenants' profits should be ascertained by a per-centage on the gross receipts of the company, and they claim a deduction of 10*l.* per cent. for such profits. As to this point, I find as a fact that the tenants' profits bear no definite proportion to the gross receipts, and cannot be ascertained solely by reference to such receipts, but are governed by other extrinsic considerations. Thirdly, that some allowance should be made for goodwill, being the pecuniary value of the advantage which a lessee or assignee of the company derives from his enjoyment of an established business and customers already secured. Fourthly, that assuming 36,000*l.* to be the net value of the whole works of the company, and the basis of the entire rate on them, the amount ought to be distributed among the parishes in proportion to the quantity of fixed capital or property of the company in each. That the proportion of such fixed capital or property being fairly represented by the sums invested in works in each parish, the rateable value in the hamlet may be ascertained by the following proportion, that is to say: As the whole fixed capital (674,500*l.*) is to the whole net receipts, (36,000*l.*) so is the fixed capital in the hamlet (19,000*l.*) to the portion of net receipts rateable in the hamlet (1,014*l.*) As to this last point made by the company, I find, in the absence of proof to the contrary, that the relative quantity of fixed capital or property of the company in each parish (including not only mains and pipes, but also their extensive permanent works of every description throughout the district)

is fairly represented by the sum that has been invested in works in each parish, and that if the principle propounded by the company be correct, then the rate should be on the last-mentioned sum of 1,014*l.*

M. D. Hill (*Clarkson* with him), in support of the order of Quarter Sessions (1). —The award finds that the whole net receipts of the company amount to 36,000*l.*, and that a tenant would reasonably be entitled to a profit amounting to 5,200*l.* This gives 30,800*l.* as the net annual value of the works in all the parishes, calculated as the sum which a lessee would give for them, and therefore that is assumed as the total rateable value of the works. The question to be decided is, on what principle that value is to be distributed among the several parishes in which the works are situated? It is contended, on behalf of the company, that the principle adopted by the arbitrator is incorrect, and that the proper proportion should be ascertained by the following rule-of-three sum: As the whole fixed capital (674,000*l.*) is to the whole net annual value (30,800*l.*) so is the fixed capital in the hamlet (19,000*l.*) to the rateable value in the hamlet (840*l.*) The arbitrator has divided the permanent works into two classes: first, mains and pipes distributing water in the different parishes, the rateable value of which he finds to be 24,300*l.*; and, second, buildings, reservoirs, conduits, canals, bridges, and mains, yielding no other profit than as conducting to the earning of rates in each parish; the rateable value of them is found to be 6,500*l.*, and the arbitrator has distributed the value of these two classes on different principles. But this division is erroneous: the profits received in each parish are not in this case the measure of the profits earned there, for many of the works necessary for earning those profits are situate in other parishes.

[*ERLE, J.*—In rating a railway, before you assess the proportion of a particular parish, you deduct the value of a station situate in another parish. That is what the

(1) A question arose as to the right to begin, as the award in effect quashed the order of Sessions, and it was contended for the company that the parties who supported the award should begin; but the Court decided that the rule to quash the order of Sessions was the only rule before the Court, and that it was not affected by the award.

arbitrator has done here: he deducts the value of that portion of the works which is not immediately productive in the parish where it is situated, and then distributes the value of the residue among the different parishes.]

The analogy between railways and water-pipes is not perfect. In the former case, the legislature has created a criterion for calculating the rate in different parishes, by enacting that the payments made to the railway company shall be proportional to the number of miles travelled over; whereas, in a water company there is no such proportion. In *The King v. the New River Company* (2), it was argued that in rating a water company for their spring, the profits earned several miles off and in a different parish could not be taken into account; but the Court said, that as they assisted to enhance the value of the spring they must be included in the rateable value.

[WIGHTMAN, J.—You contend, then, that all the permanent works, buildings, &c., contribute to the general fund received, and that all ought to be thrown together, and the proportion of each parish then calculated?]

Yes; it is submitted that the mileage principle is only applicable in its strict sense to railways and canals.

[ERLE, J.—Suppose capital embarked in an engine to raise water in parish A. to the extent of 100,000*l.*, and a pipe to convey the water in parish B, value 20*l.*, is the proportion of rate in B to that in A to be 20 to 100,000?]

That would be so if there were no distribution of water in parish B, through which the pipe merely passed; and there would be no injustice in so assessing it. The arbitrator does not say on what principle he arrives at the sum of 6,500*l.* for the buildings, &c., which he has deducted: it is a mere arbitrary assessment.

Sir F. Kelly, Bodkin and Hodges, contra.—The true principle of rating the company is, to distribute the whole rateable value among the different parishes in the proportion in which the part of the works situate in each parish conduces to the whole earnings; and if all parts of the works equally conduce to the entire earnings, a mileage proportion is the fair one. According to *The Queen v. the*

Cambridge Gas Light Company (3), the apportionment should be made according to the amount of land occupied in each parish.

[ERLE, J.—In that case, I think the result of the spatial principle and that of earnings was the same.]

In some parishes where there was a greater length of pipe the earnings were less.

[PATTESON, J.—You say the arbitrator rightly deducted the buildings, &c. I cannot understand how it is so, for these buildings are just as essential as the pipes to earning the profits: it is not like a warehouse on a canal, or a station on a railway.]

The warehouse and station are essential to the use of the railway, though it is impossible to say in what exact proportion. The buildings, &c., not directly productive of profit, are assessed by the arbitrator with reference only to the rateable value in the parish where they are situate. The principle contended for by the company, that the outlay in each parish is to be the criterion of rateable value there, is perfectly novel. Suppose the springs and machinery were rented by the company at 6,000*l.* a year, and their only outlay in the parish was the construction and laying down pipes—if they were only rated in proportion to that outlay, it would be unjust to exclude from the computation their occupation as tenants at the rent of 6,000*l.* a year. It is the net annual value (however arising) in the particular parish which is the true basis of the rate in that parish—*The King v. Lower Milton* (4), *The King v. Milton* (5), *The King v. the Corporation of Bath* (6), *The Queen v. the London and South-Western Railway Company* (7).

M. D. Hill was allowed to reply.

Cur. adv. vult.

The judgment of the Court (8) was (June 26) delivered by—

LORD DENMAN, C.J.—In this case the rateable subject, being the apparatus for supply of water situate in twenty-one parochial districts, and the rateable value (that

(3) 8 Ad. & El. 73; s. c. 7 Law J. Rep. (N.S.) C.M. 50.

(4) 9 B. & C. 810; s. c. 8 Law J. Rep. M.C. 57.

(5) 3 B. & Ald. 112.

(6) 14 East, 609.

(7) 1 Q.B. Rep. 558; s. c. 11 Law J. Rep. (N.S.) M.C. 93.

(8) Lord Denman, C.J., Patteson, J., Wightman, J. and Erle, J.

(2) 1 Mau. & Selw. 503.

is, 30,800*l.*), being the residue of the gross receipts, after making all the deductions to which the company are entitled, have been correctly ascertained by the award. The principle for dividing that sum among those districts is the matter to be decided. The company contend, that the division should be according to the amount of fixed capital in each district. But the rule of law laid down by act of parliament for ascertaining the rateable value of any subject refers to an estimate of the rent it should yield. The outlay of capital might furnish no such criterion, since it may have been injudiciously expended, and what was costly may have become worthless by subsequent changes. As our opinion is against the company upon the objection relied on in argument on their behalf, it follows that the rate should be affirmed. But as the award suggests different methods of apportioning the rateable value, and so arriving at the same rate, it would be convenient, if we also stated our view of those methods for applying the above rule of law to such rateable subjects as the present. The first step in apportioning has been in effect to divide the whole apparatus, constituting the rateable subject, into two portions, of which one is directly productive of rateable value, being the service-pipes which deliver the water to the consumer; the other indirectly conduces to such production, being the rest of the works, bringing the water to the service-pipes. The second portion has been first rated in the ordinary way by valuing the land with the buildings and fixtures thereon, and the amount of rate so ascertained has been deducted from the sum of rateable value, and distributed to the districts in which the parts of this portion are situate. An analogous course appears to have been adopted for railways in *The Queen v. the London and South-Western Railway Company*, *The Queen v. the Grand Junction Railway Company* (9), and for gas companies, in *The Queen v. the Cambridge Gas Company*. Also, the spring, which indirectly conduces to the ultimate profit by water-rate, was held rateable in the parish where it was situate, in *The King v. the New River Company*, the quantum of such rate being left for the Sessions. As this course was acquiesced in by both parties in the three

(9) 4 Q.B. Rep. 9; s.c. 13 Law J. Rep. (w.s.) M.C. 94.

latest cases, we may presume that it can be applied without practical difficulty, and we see no objection to it.

The remaining step has been to apportion the residue of the rateable value among the districts in which the direct productive portion of the works is situate, in the ratio either of the net profits or of the gross receipts, or of the quantity of mains and pipes, and of the land occupied by them in each district. Each ratio in the present case gives the same result. If they differed, it would be necessary to select between them, and that ratio should be preferred which would best shew the rent to be expected, if the part of the works situate in the district was let separate. It is clear that the net profits in each parish would be the best criterion of such rent, and they would therefore give the proper ratio. It is also clear, that the ratio of the gross receipts or earnings in the several districts to each other will be the same as the ratio of the net profits in those districts to each other, in all cases where the total of expense is taken to be common to the whole apparatus, and is deducted from the total of receipts in the progress of ascertaining a rateable value. For in such case, the net profits in each district would be ascertained by distributing the expense among the several districts, and it would be distributed in the ratio of the gross receipts in each; and if a proportional deduction should be made from the gross receipts in each, the ratios of the remainders to each would be the same as the ratio of the gross receipts. As any attempt to ascertain the net profits in each district in any other way would lead to minute and inconvenient inquiries in practice, the ratio of the gross receipts should be adopted, as being an index of the net profits, when the rateable value is ascertained in the way stated in the case. We think that an apportionment in this sense, according to the gross receipts, is in accordance with the decisions which have apportioned the sum of rateable value from a railway or canal according to the length of line in each parish—*The King v. Kingswinford* (10), *The King v. Woking* (11). Where the profit arises from transit, the line of the

(10) 7 B. & C. 236; s.c. (as *The King v. Dudley Canal Company*) 6 Law J. Rep. M.C. 3.

(11) 4 Ad. & El. 40; s.c. 5 Law J. Rep. (n.s.) M.C. 17.

canal or railway is directly productive of the profit, and the reservoirs, warehouses, stations, &c., indirectly conduce to such production. Each portion of the line earns an aliquot portion of the profit, and if equal portions of one line carrying at one rate could be conceived to be let separately, no one portion would be let at a higher rate than the other, and an apportionment of a sum of rateable value according to the length of line in each parish is according to the rent to be expected for that part of the line. In the case of water companies, where the profit arises from the delivery of the water at a given place, the previous transit being immaterial to the consumer, the service-pipes immediately produce the profit, and the agency by which the water reaches those pipes indirectly conduces to such production. If the service-pipes in each parish could be let separately, the water being assumed to be sold at the same price throughout, the criterion of the rent would be found in the gross receipts, which would depend on the number and diameter and level of the service-pipes in each parish, and an apportionment according to the gross receipts in each district would be according to the rent to be expected from the part of the rateable subject situate in such district.

This apportionment is not at variance with the grounds of the judgment in *The Queen v. the Cambridge Gas Company*. There the Court decided, that the parishes in which the profits are received are not entitled to all the amount produced by the rate, but that the parishes in which parts of the apparatus indirectly conducing to produce profit are situate are entitled to a proportion. The Court also declared, that the principle upon which the sum of rateable value from the rates of all the parishes should be apportioned, is the same as that which had been applied to canals. By the method adopted in this case, the rateability of the portion of the apparatus indirectly conducing to produce profit is provided for, and the residue of the sum of rateable value is apportioned to those parts of the apparatus directly producing profit in analogy to the mileage proportion for canals and railways. We have thus endeavoured to shew that the rule for ascertaining the value for separate rating ought to be applied, as far as practicable, to apportioning among separate districts a sum of rateable value arising partly in each.

*Order of Quarter Sessions quashed,
and original rate confirmed.*

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A
COMPENDIOUS ABSTRACT
OF THE
PUBLIC GENERAL ACTS
OF THE UNITED KINGDOM
OF
GREAT BRITAIN AND IRELAND:
10 VICTORIÆ—1847.
BEING THE SEVENTH SESSION OF THE FOURTEENTH PARLIAMENT
OF SUCH
UNITED KINGDOM.

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MDCCCXLVII.

BEGUN
AT WESTMINSTER,
THE
19TH AUGUST, ANNO DOMINI 1841 ;
AND
FROM THENCE CONTINUED,
BY SEVERAL PROROGATIONS,
TO THE
19TH JANUARY, 1847.

ABRIDGMENT
OF THE
PUBLIC GENERAL ACTS,
10 VICTORIÆ—1847.

CAP. I.

AN ACT to suspend, until the First Day of *September* One thousand eight hundred and forty-seven, the Duties on the Importation of Corn.

(26th January 1847.)

ABSTRACT OF THE ENACTMENT.

Duties on corn, &c. suspended from the passing of this Act until 1st of September.

By this Act,

After reciting that by 9 & 10 Vict. c. 22. it is enacted, that there shall be levied and paid unto Her Majesty, her heirs and successors, on all corn, grain, meal, and flour imported into the United Kingdom or the Isle of Man from parts beyond the seas, and entered for home consumption, until the 1st of February 1849, certain duties set forth in the schedule to the said Act annexed: And that, by reason of the partial failure of certain crops usually forming part of the subsistence of the people of these islands, it is expedient that for a time to be limited no duties should be levied upon the entry for consumption of the said articles or any of them:—

It is Enacted,

That no duties of Customs shall be chargeable upon any corn, grain, meal, or flour already imported or hereafter to be imported into the United Kingdom or the Isle of Man from parts beyond the seas, and entered for home consumption, after the passing of this Act and before the 1st of September in this present year.

CAP. II.

AN ACT to allow, until the First Day of *September* One thousand eight hundred and forty-seven, the Importation of Corn from any Country in Foreign Ships.

(26th January 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *From the passing of this Act until the 1st of September corn, &c. may be imported for home use in vessels of any country.*
 2. *From the passing of this Act until the 1st of September corn, &c. warehoused for exportation may be entered for home consumption.*
-

By this Act,

After reciting that it is expedient to allow for a limited time corn, maize, grain, meal, flour, rice, and potatoes to be imported in any ship or vessel from any country whatever, and that such articles warehoused for exportation only should be allowed to be entered for home consumption:—

It is Enacted,

1. That from and after the passing of this Act, and before the 1st of September in this present year, it shall and may be lawful for any person or persons to import into the United Kingdom for home use, from any country, in any ship or vessel of any country, however navigated, any corn, maize, grain, flour, meal, rice, or potatoes, the growth or produce of any country, anything in the Law of Navigation to the contrary in anywise notwithstanding.

11. That from and after the said passing of this Act, until the said 1st of September inclusive in this present year, any corn, maize, grain, flour, meal, rice, or potatoes, the growth or produce of any country, which may have been warehoused in the United Kingdom for exportation only, may be entered for home consumption, anything in the Law of Navigation to the contrary in anywise notwithstanding.

CAP. III.

AN ACT to suspend, until the First Day of *September* One thousand eight hundred and forty-seven, the Duties on the Importation of Buck Wheat, Buck Wheat Meal, Maize or *Indian* Corn, *Indian* Corn Meal, and Rice.

(23rd February 1847.)

ABSTRACT OF THE ENACTMENT.

From the passing of this Act until the 1st of September no duties of Customs chargeable on buck wheat, &c.

By this Act,

After reciting that by 9 & 10 Vict. c. 23, the several duties therein mentioned are imposed upon the following articles, (that is to say,) buck wheat, buck wheat meal, maize or Indian corn, Indian corn meal, and rice: And that by reason of the partial failure of certain crops usually forming part of the subsistence of the people of these islands, it is expedient that, for a time to be limited, no duties should be levied upon the entry for consumption of the said articles or any of them:—

It is Enacted,

That no duties of Customs shall be chargeable upon any of the aforesaid articles already imported or hereafter to be imported into the United Kingdom, and entered for home consumption, after the passing of this Act, and before the 1st of September in the present year.

CAP. IV.

AN ACT for abolishing Poundage on *Chelsea* Pensions.

(23rd February 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of recited Acts as authorizes the treasurer of Chelsea Hospital to make deductions from pensions repealed.—All out-pensions to be paid free from deduction.—Nothing to give claim to deductions made before the passing of this Act.*
2. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient that no deduction should henceforth be made from the pensions of the out-pensioners of Chelsea Hospital on account of poundage:—

It is Enacted,

1. That so much of an Act, 28 Geo. 2, intituled 'An Act for the Relief of the Out-Pensioners of the Royal Hospital at Chelsea,' as is now in force, and also so much of an Act, 4 Will. 4, intituled 'An Act to make further provisions with

respect to the Payment of Pensions granted for Service in the Royal Artillery, Engineers, and other Military Corps under the Control of the Master General and Board of Ordnance, and with respect to Deductions hereafter to be made from Pensions granted by the Commissioners of Chelsea Hospital,' as authorizes the treasurer of Chelsea Hospital to make any deduction from pensions granted or to be granted by the Commissioners of Chelsea Hospital, shall be repealed; and that all out-pensions of Chelsea Hospital due from and after the 1st of April next shall be paid free from any charge or deduction whatever on account of poundage, and all such out-pensions shall continue to be paid in advance, either quarterly, monthly, or weekly, as the Secretary at War for the time being shall consider most expedient for the interest of the said pensioners and the advantage of the public: Provided always, that nothing in this or any former Act contained shall be deemed to give any claim whatever to any person on account of poundage deducted from any pension before the passing of this Act or to the executors, administrators, or other personal representatives of any deceased pensioner, for any balance of pension due to him other than what may have accrued during his lifetime or in the quarter of the year in which he died, and may not have been previously paid.

11. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. V.

AN ACT to allow the Use of Sugar in the brewing of Beer.

(23rd February 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Brewers of beer for sale may make use of sugar in brewing.*
2. *Brewers not allowed to use molasses or any sugar except in the state in which it has been imported.—Proviso.*
3. *Penalty on brewers making use of any other sugar than as aforesaid, or taking into his possession any molasses, honey, &c.*
4. *Brewers may prepare and make for their own use on their entered premises beer colouring from sugar and use it in brewing.—Penalty on brewers making colouring other than as allowed by this Act and 5 & 6 Vict. c. 30.*
5. *Brewers using sugar to enter in the book delivered by the Excise the quantity of sugar intended to be used in the next brewing. Penalty on refusing or neglecting to make such entry, &c., 200l.*
6. *Brewers using sugar to pay their licence duty in proportion to quantity used.*
7. *After passing of this Act drawback granted by 11 Geo. 4. & 1 Will. 4. c. 51, repealed, and new drawbacks granted.*
8. *So much of 11 Geo. 4. & 1 Will. 4. c. 51. as authorizes the export of beer of certain strength in casks of thirty-six gallons, repealed.—After passing of this Act beer may be exported on drawback according to the specific gravity of the worts used and specified in notice of shipment.*
9. *So much of 11 Geo. 4. & 1 Will. 4. c. 51. as requires oath to be made on debenture for obtaining drawback, repealed.*
10. *Declaration to be made by exporter, &c., on debenture for obtaining drawback.—Penalty on making false declaration, 200l., and the debenture to be void.*
11. *The drawbacks by this Act granted to be under the management of the Commissioners of Excise, and the Excise Laws respecting exportation on drawback.—Recovery of penalties.*
12. *Act may be amended, &c.*

By this ACT,

After reciting that by several Acts now in force brewers of beer for sale are prohibited from using sugar in the brewing or making of beer: And that it is expedient to allow the use of sugar in the brewing or making of beer:—

It is Enacted,

1. That from and after the passing of this Act it shall and may be lawful to and for any brewer of beer for sale to make use of sugar in the brewing or making of beer, anything in any Act or Acts of Parliament contained to the contrary in any-wise notwithstanding.

11. Provided and enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to allow any brewer of beer for sale to make use of any molasses in the brewing or making of beer, or any sugar other than sugar on which the full duties of Customs have been paid, and in the state in which the same has been imported into this kingdom, and without the same having been previously diluted with water or other liquor, or having undergone any process or manufacture to alter the same: Provided also, that nothing in this Act contained shall extend or be deemed or construed to extend to prevent any such brewer from making use, in the brewing and making of beer, of beer colouring made from sugar under the regulations after mentioned, or of refined sugar, or of sugar candy, or of bastard sugar, on which the full duties of Customs have been paid, or which have been manufactured in the United Kingdom from materials on which the duty of Customs has been paid, and which are respectively entitled to the drawbacks thereon granted on exportation.

111. That if any brewer of beer for sale after the passing of this Act makes use of any molasses, sugar, honey, syrup, composition or extract of sugar, except sugar on which the duty of Customs has been paid as aforesaid, and made use of in the manner hereinbefore allowed (except beer colouring made from sugar under the regulations after mentioned, or refined

sugar, or sugar candy, or bastard sugar as aforesaid), or if any such brewer receives or takes into his custody or possession any quantity of molasses, honey, syrup, composition, or extract of sugar (except as aforesaid), every such brewer shall forfeit and lose for every such offence respectively the sum of 200*l*.

iv. That every brewer of beer for sale may prepare and make for his own use in some part of his brewery or entered premises, from any sugar allowed to be made use of by him in the brewing or making of beer as aforesaid, a liquor or other preparation for darkening the colour of worts or beer, and may have the same in his custody and possession and use it in brewing, by mixing with or putting the same into worts or beer, under such regulations as the Commissioners of Excise may in that behalf direct, anything in an Act, 56 Geo. 3. c. 58, intituled, 'An Act to repeal an Act made in the Fifty-first Year of His present Majesty, for allowing the Manufacture and Use of a Liquor prepared from Sugar for colouring Porter,' or an Act, 7 & 8 Geo. 4. c. 52, intituled 'An Act to consolidate and amend certain Laws relating to the Revenue of Excise on Malt made in the United Kingdom, and for amending the Laws relating to Brewers in Ireland, and to the Allowance in respect of the Malt Duty on Spirits made in Scotland and Ireland from Malt only,' to the contrary thereof in anywise notwithstanding; but if any such brewer prepares or makes any liquor or preparation for darkening the colour of worts or beer from any other ingredient or ingredients than as aforesaid in whole or in part, or in any other manner than as aforesaid, or receives or has in his custody or possession, or uses in brewing, any liquor or preparation for darkening the colour of worts or beer prepared or made by any other person (except roasted malt prepared, received, and used as directed by an Act, 5 & 6 Vict. c. 30, intituled 'An Act to provide Regulations for preparing and using Roasted Malt in colouring Beer'), or otherwise in any other respect than as aforesaid, every such brewer so offending shall incur the respective penalties and forfeitures in the said two first recited Acts contained and imposed for and in respect of brewers receiving into or having in their custody or possession, or making or using in brewing, or mixing with or putting into worts or beer, any liquor, material, or preparation for the purpose of darkening the colour of worts or beer; and the said recited Acts, and the several clauses, provisions, penalties, and forfeitures therein contained, so far as the same are now in force, and are not contrary to or expressly provided for by this Act, shall remain and continue in force to all intents and purposes.

v. That every brewer of beer for sale who makes use of sugar in the brewing or making of beer as aforesaid shall enter or cause to be entered in the book which by the respective laws now in force in Great Britain and Ireland respectively is directed to be delivered to him by the proper officer of Excise for the purpose of his entering therein, amongst other things, the quantity in bushels of malt which he uses in the brewing of beer, or intends to use in his next brewing, the quantity in pounds weight avoirdupois of sugar which he intends to use in his next brewing, together with the day when such brewing is intended to be made, and such entry shall be so made before any part of such sugar is used, or any water or other liquor put to or mixed therewith; and every such brewer shall at the time of making such entry write or cause to be written in such book or paper the date when such entry is made; and if any such brewer refuses or neglects to make such entry as aforesaid, or cancels, obliterates, or alters any such entry, or uses or puts to or mixes any sugar with water or other liquor before such entry is made as aforesaid, he shall for every such offence forfeit and lose the sum of 200*l*.

vi. That every brewer of beer for sale who makes use of sugar in the brewing or making of beer as aforesaid shall, for the purpose of fixing and regulating the rate and amount of duty to be paid by such brewer for the licence to be taken out by him under an Act, 6 Geo. 4. c. 81, intituled 'An Act to repeal several Duties payable on Excise Licences in Great Britain and Ireland, and to impose other Duties in lieu thereof, and to amend the Laws for granting Excise Licences,' be deemed to have brewed one barrel of beer for every fifty pounds weight avoirdupois of sugar used by such brewer in brewing, and shall for every licence to be taken out by him as a brewer of beer for sale pay such amount of duty, according to the rate by the said Act imposed on brewers of beer only for sale, as is correspondent to the quantity of beer which he shall be deemed to have brewed as aforesaid.

And after reciting that by an Act, 1 Will. 4. c. 51, intituled 'An Act to repeal certain of the Duties on Cider in the United Kingdom, and on Beer and Ale in Great Britain, and to make other Provisions in relation thereto,' a certain drawback of Excise is granted for and in respect of beer brewed or made in the United Kingdom, and exported from thence to foreign parts as merchandise:—

It is Enacted,

vii. That from and after the passing of this Act the said drawback shall be repealed, and the same is hereby repealed accordingly, and that in lieu thereof there shall be granted and paid for and upon every barrel of thirty-six gallons, and so in proportion for any greater quantity of beer brewed or made by any entered and licensed brewer of beer for sale in the United Kingdom, in the brewing of which beer the worts used before fermentation were of not less specific gravity than 1·054, and not greater specific gravity than 1·081, and which beer shall be duly exported from any part of the United Kingdom to foreign parts as merchandise, a drawback of 5*s*. and five per centum thereon; and for and upon every barrel of thirty-six gallons, and so in proportion for any greater quantity of beer brewed or made by any entered and licensed brewer of beer for sale in the United Kingdom, in the brewing of which beer the worts used before fermentation were of not less specific gravity than 1·081, and which beer shall be duly exported from any port of the United Kingdom to foreign parts as merchandise, a drawback of 7*s*. 6*d*. and five per centum thereon.

And after reciting, that by the said last-recited Act it was enacted, "that it shall and may be lawful for any person or persons to export and ship as merchandise from any port of the United Kingdom to foreign parts any beer or ale brewed or made by any entered and licensed brewer of beer for sale in the United Kingdom, such beer or ale being in casks of not less than thirty-six gallons, and in the brewing whereof not less than two bushels of malt shall have been used to every thirty-six gallons of such beer or ale;"—

It is Enacted,

viii. That so much of the said Act as is recited shall be repealed, and the same is hereby repealed accordingly; and that from and after the passing of this Act any person may export and ship as merchandise from any port in the United Kingdom

to foreign parts and beer brewed or made by any entered and licensed brewer of beer for sale in the United Kingdom, such beer being in not less quantity at one time than thirty-six gallons, and having been brewed or made from worts of not less specific gravity than 1·054, or of not less specific gravity than 1·081, according as the same shall be specified in the notice of shipment required to be given by the said last-recited Act; and upon such notice being duly certified as is in the said Act mentioned a debenture expressing the quantity of beer so shipped, and the amount of drawback payable in respect thereof, shall be made out and delivered to the person exporting the said beer as by the said Act is in that behalf directed.

And after reciting, that by the said last-recited Act it is enacted, "that before any such debenture shall be paid the exporter of the beer or ale therein mentioned, or his principal clerk or manager, together with the brewer thereof, or his foreman or manager, shall make oath on the said debenture before the said export surveyor, or officer of Excise acting as such, that the said quantity of beer or ale was put on board the ship and exported therein as merchandise to be sent beyond the seas, and no part thereof for the ship's use, and that according to the best of his or their knowledge and belief the same has been brewed wholly from malt which has been charged with and paid the duty of 2s. 7d. for every bushel thereof, and shall also specify in such oath the time when and the place where, and the brewer, being an entered and licensed brewer for sale, by whom such beer or ale was brewed, and that the quantity of malt employed in the brewing of such beer was in the proportion of not less than two bushels imperial standard bushel measure for every thirty-six gallons thereof; and if any such oath shall be found to be false or untrue in any particular or respect, the person making the false or untrue statement shall forfeit and lose the sum of 200*l.*, and the debenture on which the same shall be made shall be and become null and void, and, if unpaid, payment thereof shall be withheld, or, if paid, the amount thereof shall and may be recovered back in the same manner and by the same means and methods as any duty of Excise or penalty may be sued for and recovered under any law or laws of Excise."

It is Enacted,

IX. That from and after the passing of this Act so much of the said Act as is above recited shall be repealed, and the same is hereby repealed accordingly.

X. That before any such debenture as is in the said last-mentioned Act or this Act mentioned shall be paid the exporter of the beer therein mentioned, or his principal clerk or manager, together with the brewer thereof, or his foreman or manager, shall make and subscribe a declaration on the said debenture before the Excise export surveyor, or officer acting as such, that the quantity of beer therein mentioned was put on board the ship and exported therein as merchandise to be sent beyond the seas, and no part thereof for the ship's use, and that according to the best of his and their knowledge and belief the same had been brewed or made from malt or sugar, or malt and sugar, on which the full duties of Excise and Customs respectively had been charged or paid, and shall also specify in such declaration the time when and the place where, and the brewer, being an entered and licensed brewer of beer for sale, by whom such beer was made, and, if 5*s.* and five per centum per barrel or on every thirty-six gallons of the beer so exported be the drawback claimed, that the specific gravity of the worts before fermentation from which such beer was brewed was not less than 1·054, and, if 7*s.* 6*d.* and five per centum per barrel or on every thirty-six gallons of the beer so exported be the drawback claimed, that the specific gravity of the worts from which such beer was brewed was not less than 1·081, such specific gravities being for the purposes of this Act taken and ascertained by the saccharometer, or such other instrument and by such means as the Commissioners of Excise may direct, water being taken for that purpose as 1·000 at the temperature of 60° by Fahrenheit's thermometer; and if any such declaration is false or untrue in any particular or respect, the person making such false or untrue statement shall forfeit the sum of 200*l.*, and the debenture on which the same has been made shall be null and void to all intents and purposes, and, if unpaid, payment thereof shall be withheld, or, if paid, the amount thereof may be recovered in the same manner, and by the same ways, means and methods, as any duty of Excise or penalty may be sued for and recovered under any laws of Excise.

XI. That the drawbacks by this Act granted shall be under the management of the Commissioners of Excise, and the several provisions, regulations, and enactments of the said last-recited Act, except so far as the same are repealed or altered by this Act, and all laws, clauses, enactments, powers, authorities, rules, regulations, fines, penalties and forfeitures in force relating to the export of any excisable goods or commodities on drawback, shall, as far as the same are applicable, extend and apply and be deemed and construed to extend and apply to the exportation of beer under the authority of this Act, and shall be observed, enforced, and put into execution with respect to such exportation and the payment of the drawbacks by this Act granted as fully and effectually as if the same were repeated and re-enacted in this Act; and all penalties by this Act imposed shall be sued for, mitigated, recovered, distributed, and applied as any other penalties under the laws of Excise.

XII. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. VI.

AN ACT to further encourage the Distillation of Spirits from Sugar in the United Kingdom.
(23rd February 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Certain provisions, &c. of 6 Geo. 4. c. 80. respecting the distillation of spirits from sugar, which apply to England only, extended to Scotland and Ireland.—Nothing to alter provision as to distilling spirits from sugar only in Scotland or Ireland.*

2. No sugar to be received by distillers except from the Customs warehouse, and in the same state as when cleared on payment of duty.—Such sugar to be accompanied with a certificate from the proper officer of Customs.
3. Distiller using sugar to provide a secure storehouse at his distillery, to be approved of by the Commissioners of Excise, in which all sugar received by him shall be deposited, and secured under lock of the proper officer.—No sugar to be removed out of such storehouse except in the presence of an officer of Excise.—Penalty.
4. Distiller before receiving sugar, to give twelve hours' notice to the officer surveying his distillery, and shall, on attendance of the officer, produce the sugar in the same state as received, with the certificate, and such officer shall weigh, &c. all such sugar, and, when satisfied, permit the same to be deposited in the storehouse.
5. Six hours notice to be given to the officer by the distiller before removing sugar from the storehouse to the mash tun.—Distiller not conveying the sugar direct from the storehouse to the mash tun liable to a penalty of 200*l.* and forfeiture of the sugar.
6. Officer of Excise to keep an accurate account of sugar in stock in the storehouse, &c. of distiller.—Penalty on distiller if, upon balancing stock account, it should be different to that kept by the officer.
7. Distiller using sugar in the distillation of spirits shall provide scales and weights, and assist the officer in weighing and taking account of his sugar,
8. Allowance to distiller on spirits made from sugar only, 12*s.* 10*d.* on every 11½ gallons proof spirits.
9. Distiller who uses sugar only, and claims the allowance, to deliver an account of the quantity of the sugar used; and to make declaration thereto.—Penalty on making false declaration.
10. The collector on receiving such account and declaration, to pay the allowance; provided the quantity of sugar used be 112*lb.* weight for every 119 gallons of spirits; but if less then 12*s.* 10*d.* per cwt. on the quantity of sugar actually removed.—If the distiller owes duties or penalties, the same may be deducted from the allowance.
11. So much of regulations, &c. of 6 Geo. 4. c. 80. shall be applied to this Act as respects the distillation of spirits from sugar in England.—So much of regulations, &c. of 4 Geo. 4. c. 94. shall be applied to this Act as respects the distillation of spirits from sugar in Scotland and Ireland.
12. Act may be amended, &c.

By this Act,

After reciting the passing of 6 Geo. 4. c. 80, in which Act certain clauses, provisions, and regulations are contained relating to the distillation of spirits from sugar, which clauses, provisions and regulations apply only to England under the said Act; but by the same Act any licensed distiller in Scotland or Ireland may distil spirits from sugar only, under the like rules and regulations as are contained in 4 Geo. 4. c. 94, except as in the said first-recited Act is in that behalf enacted: and, that it is advisable further to encourage the distillation of spirits from sugar in the United Kingdom:—

It is Enacted,

I. That from and after the passing of this Act the several clauses, provisions and regulations, and the penalties and forfeitures therein contained, in the said first-recited Act, which relate to the distillation of spirits from sugar, and apply to England only, shall extend and be applied to the distillation of spirits from sugar in Scotland and Ireland, and shall be established, observed, executed and put in force in and throughout Scotland and Ireland respectively, and in and throughout the United Kingdom of Great Britain and Ireland, in such and the like manner, to all intents and purposes, as if the said first-recited Act had in such respects been originally extended to the United Kingdom, anything in the said Act or any other Act or Acts to the contrary in anywise notwithstanding: Provided always, that nothing in this Act shall be deemed or construed to repeal or alter the clause, provision and regulation in the said Act, 6 Geo. 4. c. 80. respecting licensed distillers in Scotland or Ireland distilling spirits from sugar only, which shall be and continue in force in and throughout Scotland and Ireland respectively.

II. That no distiller of spirits using sugar for the distillation of spirits shall receive into his custody or possession any such sugar except from the warehouse in which the same was warehoused under the laws and regulations of the Customs, and in the same state and the same hogsheads, casks, bags, or packages, with the same marks and numbers thereon, in which the same was cleared and delivered from such warehouse on payment of the duty; and all such sugar shall be accompanied with a certificate from the proper officer of Customs, setting forth the name of the warehouse or place from which the sugar has been removed, and the name of the distillery and distiller where and to whom the same is to be carried, and the kind or quality of such sugar, and the number of hogsheads, casks, bags, and packages in which the same is contained, together with the marks and numbers thereon respectively, with the tare and net weight of each, and the amount and rate of duty paid on such sugar, together with the date of such payment; and every distiller who receives into his custody or possession any sugar for the distillation of spirits, except as aforesaid, or without the same being accompanied with such certificate as aforesaid, shall for every such offence forfeit the sum of 200*l.*, and all such sugar shall be forfeited.

III. That every distiller intending to use sugar in the distillation of spirits shall provide and keep a convenient and secure storehouse or room at his distillery, which shall have sufficient light, and shall be dry, and approved of by the Commissioners of Excise, for the purpose of depositing, storing, and securing therein all sugar received by him for the distillation of spirits; and such storehouse or room, when so approved of, shall be specially entered by such distiller for the purpose aforesaid, and the proper collector or supervisor of the district shall provide and affix proper locks and fastenings thereto, at the expense of such distiller, who may, if he please, affix other locks and fastenings thereto, the keys of which last-mentioned locks may be kept by him; and no such storehouse or room shall have more than one door or means of entrance or outlet, to be under such locks and fastenings as aforesaid; and in such storehouse or room every such distiller shall keep all sugar received by him as aforesaid, to be deposited therein in the presence of an officer of Excise, and on such notice as after mentioned: and no such sugar shall be delivered or removed out of any such storehouse or room except in the presence of an officer of Excise, and on such notice as after mentioned, and except for the purpose of being conveyed immediately to the mash tun

to be there dissolved and used in the manufacture of spirits; and if any such distiller refuses or neglects to provide and keep such storehouse or room, or to make entry thereof as aforesaid, or refuses or neglects to pay for any lock, key, or fastening for securing the same, provided and fixed by such collector or supervisor as aforesaid, or obtains admission or entrance thereto, or has the means of so doing, or deposits any sugar therein or removes any sugar therefrom, except in the presence of and upon due notice to the proper officer of Excise, and except for such purpose as aforesaid, every such distiller shall for every such offence forfeit the sum of 200*l.*, and all sugar deposited or removed contrary thereto shall be forfeited.

iv. That every distiller using sugar for the distillation of spirits shall, before receiving any such sugar, give twelve hours' notice in writing to the officer surveying his distillery of the time of arrival of such sugar; and every such distiller shall, on the attendance of the officer on such notice, produce to him all the sugar received by him, in the same state and in the same hogsheads, casks, bags, or packages, with the same marks and numbers thereon, as the same were cleared and delivered from the Customs warehouse on payment of duty; and such distiller shall at the same time deliver up to such officer the certificate which accompanied such sugar; and such officer, after due examination thereof, shall weigh and take account of all such sugar, and on being satisfied therewith shall permit and suffer such distiller to deposit the same in the locked-up storehouse or room before mentioned; and if any such distiller receiving any such sugar fails to give such notice or produce such sugar or deliver up such certificate as aforesaid, or makes any alteration in the quantity or quality of such sugar, or in the hogsheads, casks, bags, or packages containing the same, or in the marks or numbers thereon, from what the same respectively were when such sugar was cleared and delivered from the Customs warehouse, and before such officer as aforesaid has weighed and taken an account of the same, and deposited the same in the storehouse or room as aforesaid, every such distiller so offending shall forfeit the sum of 200*l.*, and all such sugar shall be forfeited.

v. That when any distiller using sugar in the distillation of spirits is desirous of taking or removing any sugar out of such storehouse or room as aforesaid, for the purpose of the same being conveyed to the mash tun, to be there dissolved and used in the manufacture of spirits, such distiller shall give six hours' notice in writing to the officer surveying his distillery of the time when and the quantity of sugar which he is desirous of removing as aforesaid; and every such officer receiving such notice shall attend in pursuance thereof at the time therein mentioned, and shall unlock the storehouse or room from which such sugar is to be removed, and shall see weighed out therefrom the quantity of sugar expressed in such notice, and all such sugar shall then be conveyed by the distiller directly from such storehouse or room to the mash tun in the distillery of such distiller, to be there dissolved and used in the manufacture of spirits, or shall forthwith be deposited again by such distiller in store, under the lock of the officer, until the same is again removed on notice as aforesaid; and if any such distiller removing any sugar as aforesaid does not convey the same directly from the storehouse or room to the mash tun, and there dissolve and use the same in the manufacture of spirits, or does not forthwith deposit and store the same again under the lock of the officer, or removes or disposes of the same otherwise than as aforesaid, every such distiller so offending shall for every such offence forfeit and lose the sum of 200*l.*; and all sugar so removed which is not conveyed, dissolved, and used or again deposited in store as aforesaid, and all sugar which is found deposited in any other place in the distillery, or in any premises adjoining thereto, except the storehouse or room or mash tun aforesaid, shall be forfeited.

vi. That the proper officer of Excise shall, in such manner and at such times as the Commissioners of Excise may direct, keep an accurate account, by way of debtor and creditor, of the sugar in stock in the storehouse or room provided by every distiller using sugar in the distillation of spirits as aforesaid, and shall in such account credit such stock with the full quantity of sugar which is from time to time weighed by him, and deposited in such storehouse or room as aforesaid, and shall debit such stock with the full quantity of sugar which is from time to time weighed by him and removed from such storehouse or room for the purpose of the same being conveyed to the mash tun, to be there dissolved and used in the distillation of spirits; and if at any time, upon striking a balance on such account, the quantity of sugar in such storehouse or room as aforesaid is found to exceed the quantity which by the stock account kept by such officer as aforesaid ought to be in such storehouse or room, every such distiller shall be deemed and taken to have deposited sugar therein without the same having been deposited in the presence of and upon due notice to the proper officer of Excise, and all such excess of sugar shall be forfeited; and if the quantity of sugar in such storehouse or room as aforesaid is found to be less than the quantity which by the stock account kept by such officer as aforesaid ought to have been in such storehouse or room, every such distiller shall be deemed and taken to have removed sugar therefrom, without the same having been removed in the presence of and upon due notice to the proper officer of Excise; and every such distiller shall, over and above all other penalties, forfeit double the amount of duty, at the highest rate of duty then chargeable on sugar, upon the quantity of sugar so found deficient.

vii. That every distiller using sugar in the distillation of spirits, and providing such storehouse or room as aforesaid, shall keep sufficient and just scales and weights therein, and shall, when thereunto required by any officer of Excise, arrange and place all sugar deposited in such storehouse or room, so as to enable such officer easily and conveniently to weigh and take an account of the same; and when any part of such stock is contained in any hogsheads, casks, bags, or packages, the content of which is not known or cannot be easily ascertained by the officer, such distiller shall, when so required as aforesaid, declare to such officer the kind and quantity of sugar contained therein; and such distiller shall, by himself or his servants, assist the officer, as thereunto required, in weighing and taking an account of all such stock, and in weighing and taking an account of all sugar received and deposited in such storehouse or room as aforesaid, or removed therefrom for the purpose of being conveyed to the mash tun; and if any such distiller shall keep any false, unjust, or insufficient scales and weights, or shall by any art, device, or contrivance prevent or impede such officer from taking a just and true account of such stock or commodities as aforesaid, he shall incur the penalties and forfeitures now in that respect imposed by the laws of Excise in such case made and provided; and if any such distiller shall not arrange and place such stock as aforesaid, or shall not declare to such officer the kind and quantity of sugar contained in any hogshead, cask, bag, or package as aforesaid, or shall not assist such officer as aforesaid, he shall for each and every such last-mentioned offences forfeit the penalty of 100*l.*

And for encouraging the use of sugar in the distillation of spirits,
It is Enacted,

VIII. That every distiller who, under the regulations of this Act, distils spirits from wort or wash brewed or made from sugar only, not being mixed with any other materials whatever, shall, at the close of every brewing and distilling period, be entitled, under such regulations, provisos, and restrictions as after mentioned, to an allowance of 12s. 10d. for every eleven gallons and one half of a gallon of proof spirits in respect of which such distiller has been charged with duty during such period, for and in respect of the duty charged upon the sugar deposited in such storehouse or room as aforesaid, and afterwards removed therefrom to be conveyed to the mash tun, and actually dissolved there, and used in making the worts or wash, from which the spirits distilled during such period, and charged with duty, have been made.

IX. That every distiller who uses sugar only in the distillation of spirits, and claims the allowance aforesaid, shall from time to time and at the end of every distilling period, deliver to the proper officer an account in writing of the quantity of sugar actually used in making wort or wash distilled during such period, and such officer shall thereupon transmit such account, and at the same time make a return in writing signed by such officer to the collector of Excise, specifying the quantity of sugar which appears by the stock account kept by such officer of the sugar in such storehouse or room as aforesaid to have been removed therefrom for the purpose of being conveyed to the mash tun, to be used in the distillation of spirits during such period, and of the quantity of proof spirits with which such distiller has been charged with duty for or in respect of such wort or wash as aforesaid; and every such distiller, or the principal manager of his distillery, shall make and subscribe a declaration to the truth of the account so delivered by him as aforesaid, in the form or to the effect following:—

'I A. B., [Distiller, or principal Manager of the Distillery of C.D., as the Case may be,] do solemnly declare, That within the brewing period commencing on the _____ Day of _____ and ending on the _____ Day of _____ both inclusive, there were actually removed from my locked-up Storehouse or Room situate at _____ Distillery, and conveyed to the Mash Tun at the said Distillery, the Quantity of _____ Pounds Weight of Sugar, and no more, and that within the said period there were actually dissolved and used in the Distillation of Spirits _____ Pounds Weight of Sugar, and no more, and that all the Duties of Customs on the whole of the Sugar so dissolved and used were duly paid, and that no other Materials whatsoever were mixed therewith, or mashed or used in the said Distillery during the said Period, and that all the Spirits produced from such Sugar have been duly brought to Charge, and charged with Duty by the proper Officer.'
And if such declaration shall be defective or untrue in any particular, the distiller by whom or on whose behalf such declaration has been made shall forfeit the sum of 200*l*.

X. That the collector of Excise who receives such account and declaration thereto, and the return in writing aforesaid, shall, on being satisfied therewith, pay or allow to such distiller, in such manner as the Commissioners of Excise may direct, a sum after the rate of 12s. 10d. for every eleven gallons and one half of a gallon of proof spirits, in respect of which such distiller has been charged with duty during the period comprised in such accounts; provided it appears from the return in writing aforesaid that one hundred and twelve pounds weight avoirdupois of sugar have been removed from such storehouse or room to be conveyed to the mash tun for every eleven gallons and one half of a gallon of proof spirits charged with duty in such period; but if it appear by such return in writing that a less quantity than one hundred and twelve pounds weight avoirdupois of sugar for every eleven gallons and one half of a gallon of proof spirits charged with duty during such period has been removed as aforesaid, such collector shall pay or allow such distiller as aforesaid a sum after the rate of 12s. 10d. for every hundred weight only of the quantity of sugar actually removed, as appears by such return in writing as aforesaid: Provided also, that in case any such distiller has been charged with or owes any duty or duties, or is liable to the payment of any penalty or penalties adjudged against such distiller for any offence against this Act, or any other Act relating to the revenue of Excise, such collector may from time to time apply the amount of every such allowance, or a sufficient part thereof, in satisfaction of such duty or duties, penalty or penalties, or any of them.

XI. That the clauses, enactments, powers, authorities, rules, regulations, fines, penalties, and forfeitures in the said first-recited Act, 6 Geo. 4. c. 80, shall, so far as the same are not contrary to the regulations of this Act, extend and apply, and be deemed and construed to extend and apply, as far as the same are applicable, to the distillation of spirits from sugar only under this Act in England, as fully and in such and the like manner as if the said first-recited Act had in such respects been part of this Act; and all duties now by law imposed for or upon spirits distilled in England shall be charged, levied, collected, and paid for and upon spirits distilled in England under this Act and the said first-recited Act, at the same rates and in like manner as such duties are now by law imposed for and upon spirits distilled in England; and all clauses, enactments, powers, authorities, rules, regulations, fines, penalties, and forfeitures in the said second-recited Act, 4 Geo. 4. c. 94, shall, so far as the same are not contrary to the regulations of this Act, extend and apply, and be deemed and construed to extend and apply, as far as the same are applicable, to the distillation of spirits from sugar only under this Act in Scotland and Ireland respectively, as fully and in such and the like manner as if the said second-recited Act had in such respects as last aforesaid respectively been part of this Act; and all duties as the same are now respectively by law imposed for and upon spirits distilled in Scotland and Ireland respectively, or for and upon such spirits respectively on removal to England, or on removal from Ireland to Scotland, shall be charged, levied, collected, and paid for and upon spirits distilled in Scotland and Ireland respectively under this Act and the said second-recited Act at the same rates respectively, and in like manner, as such duties respectively are now by law imposed for and upon spirits distilled in Scotland and Ireland respectively, and for and upon such spirits respectively on removal to England, or on removal from Ireland to Scotland; and all penalties and forfeitures by this Act imposed shall be sued for, mitigated, recovered, distributed, and applied as any penalties and forfeitures under the ~~laws of Excise~~.

XII. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. VII.—IRELAND.

AN ACT for the temporary Relief of destitute Persons in *Ireland*.

(26th February 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Relief Commissioners appointed by the Lord Lieutenant to superintend the execution of this Act, to appoint officers, and to pay salaries, &c., when sanctioned by the Treasury.*
2. *Appointment of Relief Commissioners, &c. to be published in the Gazette.*
3. *Relief committees to be formed under orders from the Lord Lieutenant.—Justices, guardians, &c., to be members of such committees.—Relief committees discontinued after Nov. 1.*
4. *Power to relief and finance committees to appoint assistants, &c.—Salaries, &c., to be charged upon the rates.*
5. *Inspectors of unions and electoral divisions to be appointed by Relief Commissioners.*
6. *Lord Lieutenant to appoint finance committees in every union in which this Act shall be in force.*
7. *Lists of persons to be relieved to be made out, and estimates to be prepared, from time to time by relief committees.*
8. *Power to finance committees to examine lists and estimates, and amend the same if necessary.—Lord Lieutenant to issue warrant to guardians to defray expenses out of monies raised under 1 & 2 Vict. c. 56.*
9. *Guardians to collect the money required with poor rates.—Any rate made for the purposes of this Act to be deemed a rate made under the last-recited Act.*
10. *If guardians neglect or refuse to pay money authorized by this Act, Poor Law Commissioners may dissolve the board, and appoint paid officers to carry the same into execution.*
11. *After any rate made, notice to be given of the amount, and when payable, &c.*
12. *Monies to be paid to relief committees or expended in purchases for them.*
13. *Charges may be apportioned between the union and the several electoral divisions, with the sanction of the Lord Lieutenant.*
14. *Inspector to certify to the Relief Commissioners the amounts to be levied and the sums paid.*
15. *Treasury may cause advances to be made for enabling Relief Commissioners to grant loans on the credit of rates in course of making and collecting.*
16. *As soon as guardians shall have resolved on making rate Relief Commissioners may grant loans on the credit of the same.*
17. *As to the repayment of loans.*
18. *On application of Relief Commissioners Treasury may make grants in aid of rates or contributions for the purposes of this Act.*
19. *Rules and regulations to be made by Relief Commissioners for the purposes of this Act.—Relief to be administered subject to such rules, &c.*
20. *Guardians, officers, and members of relief committees, &c. not to be concerned in contracts while in office.*
21. *Produce of sales to be applied for the purposes of this Act, subject to certain regulations.*
22. *No grant or loan to be made by the Treasury after 1st October.*
23. *Interpretation of Act.*
24. *Act may be amended, &c.*

By this Act,

After reciting the passing of 9 & 10 Vict. c. 107, but by reason of the great increase of destitution sufficient relief cannot be given according to the provisions of the said Act, and it is necessary to make further provision for the relief of the destitute poor in Ireland for a limited time: and that the Lord Lieutenant of Ireland has appointed certain persons, by the title of Commissioners for Relief of Destitution in Ireland:—

It is Enacted,

I. That the said Commissioners, hereinafter called Relief Commissioners, or such persons as shall be hereafter from time to time appointed by the Lord Lieutenant to act as such Relief Commissioners, shall have authority to superintend the execution of this Act, and shall appoint, subject to the approval of the Lord Lieutenant of Ireland, a sufficient number of persons to be inspectors, for the purposes hereinafter mentioned, and also a secretary, and such officers and servants as shall be necessary for the due execution of this Act, and may from time to time, at their pleasure, remove any inspector, secretary, officer, or servant so appointed, and may pay and allow to such inspectors, secretary, officers, and servants such salaries, wages, and allowances, and defray such other expenses necessarily incurred in the execution of this Act, as shall be from time to time sanctioned by the Commissioners of Her Majesty's Treasury.

II. That the names of the persons already appointed Relief Commissioners shall be published in the *Dublin Gazette* before they begin to act in the execution of this Act; and whenever any person shall be hereafter appointed, or shall cease to be a Relief Commissioner or inspector, notice thereof shall in each case be published in the *Dublin Gazette*.

III. That it shall be lawful for the Lord Lieutenant of Ireland to give orders for the constitution of a relief committee in any one or more electoral divisions of an union formed for the relief of the destitute poor in Ireland in which it shall appear to him that this Act should be put in force, and such relief committee shall be constituted of such persons or in such manner as the Lord Lieutenant, by any general order or orders to be from time to time published in the *Dublin Gazette*, or by any special order applicable to the peculiar circumstances of any one or more such unions or electoral divisions, and

to be published in the *Dublin Gazette*, shall from time to time direct : Provided always, that the Justices resident in such electoral divisions, if any, and the guardian or guardians of the poor elected for such electoral divisions, and one of the inspectors to be appointed as aforesaid by the Relief Commissioners, shall in every case be constituted members of such relief committee : Provided also, that no relief committee constituted under this Act shall be continued after the 1st of November in this year, unless for the purpose of settling and closing their accounts.

iv. That every relief committee or finance committee constituted under this Act shall appoint so many assistants and servants, and at such salaries and allowances, as shall be sanctioned by the Relief Commissioners, on the report and recommendation of the inspector who is upon such committee, and all such salaries and allowances shall be a charge upon the rates to be made and levied for the purposes of this Act.

v. That whenever this Act shall be put in force in any such union the Relief Commissioners shall appoint an inspector to act for such union, who shall be deemed to be also the inspector for each electoral division of such union, unless it shall appear expedient to the Lord Lieutenant that an inspector shall be appointed to act specially for any one or more such electoral divisions, in which case such appointment shall be made accordingly.

vi. That it shall be lawful for the Lord Lieutenant of Ireland, in every case in which it shall appear to him expedient, to appoint, in every union in which this Act shall be in force, a finance committee, which shall consist of the inspector to be appointed as aforesaid by the Relief Commissioners for such union, and of such Justices resident in the union, or guardians elected for the union, or such other persons as the Lord Lieutenant shall think fit, not being less than two and not more than four persons in addition to such inspector, and from time to time to dissolve any such finance committee and appoint another, instead thereof, or where an inspector shall have been specially appointed for one or more electoral divisions of an union it shall be lawful for the Lord Lieutenant to appoint such finance committee specially for such electoral division or divisions, and in such case the inspector to be appointed specially as aforesaid for such electoral division or divisions shall be a member of the finance committee to be appointed for such division or divisions.

vii. That in every union in which this Act shall be in force the several relief committees shall from time to time make out lists of persons to be relieved under the provisions of this Act within each electoral division for which they severally act, according to such regulations and instructions as shall be from time to time issued to them for their guidance by the said Relief Commissioners, with estimates of the sums which shall appear to them to be needed from time to time to defray the necessary expenses for the purchase, preparation, distribution, or sale of food, and such other relief as they shall be authorized by any such regulations or instructions to afford, and for providing and fitting up the necessary buildings and cooking utensils, and for payment of the persons employed in the purchase, preparation, distribution, or sale of food and relief as aforesaid, and shall from time to time send every such list and estimate to the finance committee acting for the union or for such electoral division or divisions, and shall state to the finance committee the time or times when in their opinion any such sum or any part thereof will be needed.

viii. That the finance committee shall examine such lists and estimates, and shall have authority to revise and amend the same, in any manner which shall appear to them expedient, and they or two of them, of whom the inspector shall be one, shall allow and sign every such amended list and estimate, and thereupon the inspector of the union, or electoral division or divisions (as the case may be), shall report the amount of each allowed estimate to the Lord Lieutenant of Ireland, and the time or times when any such sum or any part thereof will be needed, and thereupon it shall be lawful for the Lord Lieutenant to cause a warrant to be issued under the hand of his chief secretary, under secretary, or assistant secretary for the amount thereof, or such proportion thereof as the Lord Lieutenant shall approve, directed to the guardians of the poor for the union to which such electoral division or divisions may belong, requiring the guardians, out of the monies collected for defraying the expenses incurred in the execution of an Act, 1 & 2 Vict. c. 56, intituled 'An Act for the more effectual Relief of the destitute Poor in Ireland,' to pay to such person as shall be named in the warrant to receive the same, on behalf of the finance committee acting for such union, electoral division or divisions, within a time or times to be mentioned in the warrant, the sum of money mentioned therein, such sum not being greater than the proportion of the amount set forth in the estimate allowed and signed as aforesaid, which shall be specified by any regulations to be from time to time made by the Commissioners of Her Majesty's Treasury, and that the guardians shall pay over the said sum to the person mentioned in any such warrant, within the time or times mentioned therein.

ix. That the guardians of any union to whom any such warrant shall be directed shall pay the sum mentioned in the warrant, within the time or times mentioned therein, out of any monies in their hands collected for defraying the expenses of the last-recited Act, or so much of the sum mentioned in the warrant as the monies in their hands shall amount to ; and if there be no such money in their hands, or an insufficient sum, they shall levy the sum required as a part of the rates to be made and levied for defraying the expenses of the last recited Act, and for that purpose shall proceed in the same manner and have the same powers, remedies and privileges as are provided by the Acts in force for relief of the destitute poor in Ireland for levying money for defraying the expenses of the last-recited Act, and from time to time shall pay over the sums so collected to the person mentioned in the warrant ; and any rate made and levied for the purposes of this Act shall be deemed a rate made and levied for defraying the expenses of the last-recited Act, and the same persons shall be liable, and the same hereditaments rateable thereunto, and all the provisions of the Acts in force for relief of the destitute poor in Ireland shall apply to the rates so made and levied as if they were made and levied under the authority of the last-recited Act, and the receipt of the person named in the warrant shall be a sufficient discharge to the guardians for the sum so paid by them, and shall be allowed as such in auditing and passing their accounts.

x. That if the guardians shall refuse or wilfully neglect to pay the sum mentioned in any such warrant out of any monies in their hands as aforesaid, or to procure payment thereof to be made by any of the ways and means authorized by this Act, or, where such monies shall be insufficient, if they shall refuse or wilfully neglect to make and levy such rate as aforesaid so that the sum mentioned in the warrant shall not be paid to the person mentioned in the warrant within the time or times

mentioned therein, or if the said guardians shall fail in any respect duly and efficiently to discharge their duties in the execution of this Act, it shall be lawful for the Commissioners appointed for carrying into execution the said Act, 1 & 2 Vict. c. 56, to declare such board of guardians to be dissolved, and thereupon to appoint such and so many paid officers as they may think fit to carry into execution the Acts in force for the time being for the relief of the destitute poor in Ireland, and this Act, and from time to time to revoke and determine any such appointment and from time to time as they shall see fit to define and direct the execution of the duties of such officers, and the amount and nature of the security to be given by such of them as the last-mentioned Commissioners shall think ought to give security, and to regulate the amount of salaries payable to such officers respectively, and the time and mode of payment thereof, and such salaries shall be chargeable on and payable out of the rates levied for the relief of the destitute poor of such union, and all officers so appointed shall continue to hold their offices during the continuance of this Act, unless their appointment shall be sooner revoked and determined by the last-mentioned Commissioners.

XI. That as soon as may be after making any rate for the purposes of this Act the guardians shall give notice in one or more newspapers usually circulating in the county of the amount of such rate, and of the time when it will be payable, and of the place where the book containing the particulars of such rate may be inspected by the rate-payers.

XII. That the sums so paid over to the person mentioned in any such warrant on behalf of the finance committee of any union, electoral division or divisions, and also all sums which shall be raised by voluntary contributions, shall be either paid over to the Relief Committee of the electoral division or divisions on account of which they were severally demanded, at such times and in such manner as shall be directed by any instructions or regulations to be from time to time issued to them by the Relief Commissioners, or shall be employed by the said finance committee, pursuant to the like instructions and regulations, in procuring such food and necessaries as may be needed by any such relief committee, for enabling them most effectually to carry out the purposes of this Act.

XIII. That the said Relief Commissioners, with the sanction of the Lord Lieutenant of Ireland, shall be empowered from time to time to direct whether the whole or any part of the sum mentioned in any such warrant so issued on behalf of any electoral division shall be borne by and charged exclusively against such electoral division, or whether the whole or any part thereof shall be borne by and charged against the whole union; and the guardians shall charge the whole union and the several electoral divisions accordingly; and in the absence of any directions by the said Relief Commissioners, the whole sum for which any such warrant shall issue on behalf of any electoral division shall be borne by and charged against such electoral division exclusively; and whenever any such directions shall be made directing that the whole or any part of any sum mentioned in any such warrant shall be charged against the whole union, such directions shall be annexed to the warrant and sent to the guardians therewith.

XIV. That the inspector of any such union or electoral division or divisions shall from time to time certify under his hand to the Relief Commissioners the amount of the several sums mentioned in such allowed estimates, and also the several amounts for the levy of which the guardians shall have proceeded towards making rates, and the actual amounts which shall have been paid pursuant to the said warrants.

And after reciting that it is expedient to give facilities for the advance of money on the credit of rates which are in course of collection, or which are to be made;—

It is Enacted,

XV. That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, to cause to be issued, as a temporary advance from time to time, at any time before the 1st of October in this year, as they may find necessary, out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any sum or sums of money not exceeding 300,000*l.*, by way of imprest, to the said Relief Commissioners for the execution of this Act, to be by them applied by way of loan on the security of the rates made or to be made as hereinafter provided, for the purposes of this Act; and all such sums of money shall be repaid to the Consolidated Fund by the said Relief Commissioners, in such manner as the Commissioners of Her Majesty's Treasury may direct, from and out of the rates to be levied in the union on behalf of which such loan shall have been made.

XVI. That as soon as any board of guardians shall have resolved on making any rate for the purposes of this Act, and the inspector of the union shall have certified under his hand to the Relief Commissioners that such resolution has been passed, and that to the best of his belief the guardians are proceeding with all possible despatch to make and levy such rate, the Relief Commissioners may, if they shall think fit, make such loans on the credit of the rates so about to be made as shall be authorized by the Commissioners of Her Majesty's Treasury.

XVII. That the amount of any such loan, or any proportion thereof which the Relief Commissioners shall think fit to advance from time to time, shall be paid by the said Relief Commissioners to the persons mentioned in the warrant to receive money on behalf of the finance committee of the union, electoral division or divisions, on whose behalf such money is to be paid, to be by them applied in the manner hereinbefore directed as to the sums received under any such warrant, and thereupon the treasurer of the union shall pay to the Relief Commissioners the rates levied in such union, except such part as he shall be allowed to retain for the other purposes of the Acts in force for the relief of the destitute poor in Ireland, by any regulations to be from time to time made by the Relief Commissioners, until the whole amount of the loan, or advances made on account of such loan, shall be reimbursed to the said Relief Commissioners; and any treasurer of any union who, after notice of any such loan or advance given to him in writing under the hand of any one of the said Relief Commissioners, shall pay away to any person other than the person appointed in and by such notice to receive the rates on behalf of the Relief Commissioners any part of any rate collected in such union, beyond what he shall have been so allowed to retain by the regulations of the said Relief Commissioners, until the whole of such loan or advances shall have been reimbursed to the said Relief Commissioners, shall be liable to pay to the said Relief Commissioners the sum which

he shall have so wrongfully paid away; and in case of non-payment thereof it shall be lawful for any Justice of the Peace, on complaint of any one of the said inspectors, to levy the amount so wrongfully paid away by distress and sale of the goods and chattels of such treasurer; and the receipt of the receiver mentioned in and by such notice shall be a sufficient discharge to the treasurer for so much money as shall be paid by him to such receiver, and shall be allowed in auditing and passing his accounts.

XVIII. That, on the application of the Relief Commissioners, the Commissioners of Her Majesty's Treasury shall be empowered to cause to be issued and paid from time to time, as they shall find necessary, out of any monies which may be granted for that purpose, any sum or sums of money, under such regulations and conditions as the said Commissioners of Her Majesty's Treasury shall think fit, in aid of the rates so to be made as aforesaid or of voluntary contributions for the purposes of this Act, and all such monies shall be paid over to the finance committee of the union, or electoral division or divisions, on account of which it shall have been issued, and shall be applied and accounted for in like manner as the monies paid pursuant to any warrant as aforesaid,

XIX. That the said Relief Commissioners shall be authorized and required from time to time to make rules and regulations in regard to the proceedings of any such finance committees and relief committees, and in regard to the making out the lists of destitute persons, the making or revising and allowing estimates as to relief funds, the mode of application for relief, the mode of inquiry into the circumstances of the applicants for relief, the description of relief to be afforded, and whether by gift or sale, the mode of granting, ordering, and giving such relief, the keeping the accounts thereof, the security to be given by any person who shall receive any monies for the purposes of this Act, the making of reports, and such other matters as the said Commissioners shall deem necessary; and the relief to be furnished under this Act shall be administered subject to the rules and regulations so to be made by the said Relief Commissioners.

XX. That no guardian, paid officer, member of any finance committee or relief committee under this Act, or other person in whose hands the collection of any rates, grants, loans, or voluntary contributions, or the providing for, ordering, management, controul, or direction of the relief of the destitute poor, under the provisions of this Act, shall or may be placed, shall, either in his own name or the name of any other person, provide, furnish, or supply for his own profit any materials, goods, or provisions for the use of the destitute poor under this Act during the time for which he or they shall retain such appointment, nor shall be concerned for his own profit directly or indirectly in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of 100*l.*, with full costs of suit, to any person who shall sue for the same by action of debt or on the case in any of Her Majesty's courts of record at Dublin.

XXI. That when, pursuant to any such regulations as aforesaid, any food or necessaries shall have been sold under the direction of any relief committee, the monies arising from such sale shall be applied for the purposes of this Act by such relief committee, subject to such instructions and regulations as they shall from time to time receive in respect thereof from the said Relief Commissioners.

XXII. That no warrant shall be issued under this Act, nor shall any grant or loan be made by the Commissioners of Her Majesty's Treasury in aid of any rates to be levied under this Act, after the 1st of October in this year.

XXIII. That in this Act the words "Lord Lieutenant" shall be construed to extend to any Lords Justices, or other chief governor or governors of Ireland.

XXIV. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. VIII.

AN ACT to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-seven.

(18th March 1847.)

This Act directs that—

- i. There shall be applied for the service of the year 1847, the sum of 8,000,000*l.* out of the Consolidated Fund.
- ii. The Treasury may cause 8,000,000*l.* of Exchequer bills to be made out in manner prescribed by 48 Geo. 3. c. 1; 4 & 5 Will. 4. c. 15, and 5 & 6 Vict. c. 66.
- iii. The clauses &c. in recited Acts extended to this Act.
- iv. Interest on Exchequer bills.
- v. Bank of England may advance 8,000,000*l.* on the credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.
- vi. Bills prepared by virtue of this Act to be delivered to the Bank, as security for such advances.
- vii. Monies raised by bills to be applied to the Services voted by the Commons.
- viii. Exchequer bills made chargeable upon the growing produce of the Consolidated Fund.

CAP. IX.

AN ACT for raising the Sum of Eight Millions, by way of Annuities.

(18th March 1847.)

ABSTRACT OF THE ENACTMENTS.

1. Every contributor of 89*l*. 10*s*. to be entitled to 100*l*. in the Three per Cent. Consols from 5th Jan. 1847.
2. Contributors who have made deposits to pay remainder of subscriptions by instalments.
3. Guardians, &c., having the disposition of monies of infants may contribute for them.
4. Contributors entitled to annuities of three pounds per centum, payable half-yearly.
5. Time at which stock may be transferred.—Bank to prepare books for entering names of contributors, &c.
6. Periods for payment of first dividend.
7. Annuities payable and transferable at the Bank.
8. Money to be issued out of the Consolidated Fund for payment of annuities and charges in respect of the said sum of 8,000,000*l*.;
9. And shall be charged upon the said fund.
10. The Bank to appoint a cashier and an accountant-general, and the Treasury to order money to be issued to the cashier for payment of annuities.
11. Cashier to give receipt for subscriptions which may be assigned before 15th October 1847.—Cashier to give security for paying the money he receives into the Exchequer.
12. A book to be kept in the accountant-general's office for entering contributors' names, a duplicate whereof to be transmitted to the Auditor of the Exchequer.
13. Contributors duly paying their subscriptions entitled to annuities tax-free.
14. In case contributors fail to advance the residue of the sums subscribed for, the deposit of 12*l*. to be forfeited.
15. Annuities to be deemed personal estate.
16. Treasury may apply the money paid into the Exchequer for any of the purposes for which it might be advanced under 9 & 10 *Vict. c. 107. &c.*
17. Accountant-general to keep books for entering assignments and transfers.—Transfers not liable to stamp duties.
18. Treasury to defray incidents attending execution of this Act.
19. Bank may retain a certain sum, and apply it to their own use, for services performed.
20. Annuities created under this Act to be added to and be deemed part of the Three per Cent. Consols.
21. Punishment of persons found guilty of forging or counterfeiting receipts for contributions, &c.
22. Bank to continue a corporation for the purposes of this Act until the annuities hereby granted shall be redeemed.
23. Penalty on taking any fee or gratuity for receiving contributions or paying or transferring annuities.
24. Persons sued may plead the general issue.—Costs.

By this Act,

After reciting that the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, being desirous to make the necessary provision for the exigencies of the public service, have resolved that the sum of 8,000,000*l*. be raised by annuities in manner hereinafter mentioned;—

It is Enacted,

1. That every contributor towards raising the said sum of 8,000,000*l*. shall for every sum of 89*l*. 10*s*. contributed and paid be entitled to the principal sum of 100*l*. in Consolidated Annuities after the rate of 3*l*. per cent., to commence from the 5th of January 1847.

And after reciting that, pursuant to and upon the terms and conditions expressed in the said resolution, several persons have, in books opened at the Bank of England for that purpose, subscribed together the whole of the said sum of 8,000,000*l*. to be raised by annuities, and made deposits of 12*l*. per cent. on the respective sums by them so subscribed to the said sum of 8,000,000*l*. to be raised by annuities with the cashiers of the Governor and Company of the Bank of England;—

It is Enacted,

11. That it shall and may be lawful to and for such contributors who have made such deposits with the cashier or cashiers of the Governor and Company of the Bank of England (which cashier or cashiers is and are hereby appointed the receiver and receivers of such contributions, without any other warrant to be had in that behalf,) to advance and pay unto the said cashier or cashiers of the Governor and Company of the Bank of England the several remainders of the sums by them respectively subscribed towards the said sum of 8,000,000*l*. at or before the respective days and times and in the proportions hereinafter limited and appointed in that behalf, (that is to say,) the further sum of 12*l*. per cent. on or before the 9th of April 1847, the further sum of 12*l*. per cent. on or before the 7th of May then next following, the further sum of 12*l*. per cent. on or before the 11th of June then next following, the further sum of 12*l*. per cent. on or before the 9th of July then next following, the further sum of 12*l*. per cent. on or before the 6th of August then next following, the further sum of 12*l*. per cent. on or before the 3rd of September then next following, and the remaining sum of 16*l*. per cent. on or before the 15th of October then next following.

III. That it shall and may be lawful for any guardian or trustee having the disposition of the money of any infant to contribute and pay for or towards advancing the said sum of 8,000,000*l.* to be raised by annuities in manner aforesaid, and such infant, upon the payment of such sum or sums subscribed by such guardian or trustee, shall become a contributor within the meaning of this Act, and be entitled to have and receive the annuities, advantages, and payments in respect thereof, in such and the like manner as any other contributor; and the said guardian and trustee, as to the said sum or sums so advanced, is hereby discharged, so as the name of such infant be expressed in the receipt or receipts for such money.

IV. That the several subscribers or contributors, their executors, administrators, successors, and assigns, in respect of the said sum of 8,000,000*l.*, shall, in respect of the principal sum of 100*l.* hereby granted for every sum of 89*l.* 10*s.* by him, her, or them respectively advanced and paid, and so in proportion for any greater or lesser sum, have and be entitled to an annuity after the rate of 3*l.* per cent., to commence from the 5th of January 1847, until redemption by Parliament in manner hereinafter mentioned; which said annuities after the rate of 3*l.* per cent. shall be payable and paid half-yearly by even and equal portions, (that is to say,) on the 5th of January and the 5th of July in every year, the first payment thereof to be due on the days hereinafter appointed for that purpose.

V. That as soon as any contributors, their executors, administrators, successors, or assigns, shall have made the payment of any instalment on the days specified in this Act after the payment of the deposit, such contributor for every such subsequent payment may have a proportional amount of stock in Three per Cent. Consolidated Annuities forthwith placed in the books of the Bank of England to the credit of such respective contributors, their executors, administrators, successors, and assigns, and on payment of the last instalment such contributors, their executors, administrators, and assigns, shall have a sum of like stock placed to their respective credits corresponding at the rate aforesaid to the aggregate amount of the deposit and of such last instalment, and the persons to whose credit such principal sums shall be so placed, their respective executors, administrators, successors, and assigns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, body or bodies politic or corporate whatsoever, in the books of the Bank of England; and the said Governor and Company of the Bank of England are hereby required, as soon as conveniently may be after the passing of this Act, to prepare proper books for the purpose of entering the names of all such contributors, and of placing to their credit the principal sums so paid by them respectively; and that such of the said contributors, their executors, administrators, successors, or assigns, who shall complete the payments of the whole sum payable by them respectively towards the said sum of 8,000,000*l.*, at any time before the Governor and Company of the Bank of England shall have prepared their receipts according to the directions of this Act, shall be entitled to have the sums so paid forthwith placed to their credit in the books of the Bank of England, and the said Governor and Company are hereby required to cause such sums to be forthwith placed to the credit of the persons entitled to the annuities in respect thereof in the books of the said Bank of England, and such entries in the said books shall be in lieu of the receipts hereby directed to be given for all sums paid in manner aforesaid, and such sums shall carry the annuities after the rate of 3*l.* per cent., redeemable by Parliament, and shall respectively be taken and deemed to be stock transferable according to the true intent and meaning of this Act, until redemption thereof in such manner as is hereinafter mentioned.

VI. That all and every such contributor or contributors, his, her, or their executors, administrators, successors, and assigns, who shall have paid into the hands of the said cashier or cashiers the whole of his, her, or their contribution money on or before the 2nd of July 1847, or such part thereof as is required to be paid in this Act on the several days of the 9th of April, 7th of May, and 11th of June, shall be entitled to have and receive, on the 5th of July 1847, the first half-year's annuity on the stock to which they will be entitled in respect of such payments; and that all and every person or persons who shall not have completed the whole of their said payments on or before the said 2nd of July 1847, shall, on completing the same within the time in this Act prescribed, be entitled to receive, on the 5th of January 1848, the whole of one year's annuity on so much of the stock to which they will be entitled in respect of their subscription whereon a half-year's annuity shall not have been payable on the 5th of July 1847 under the provisions herein contained.

VII. That all the annuities aforesaid shall be payable and paid and be transferable at the Bank of England, and shall be subject to such redemption as is hereinafter mentioned.

VIII. That so much money shall from time to time be set apart and issued at the receipt of the Exchequer in England out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland to the said cashier or cashiers of the Governor and Company of the Bank of England, as shall be sufficient to satisfy and pay the annuities to be created in respect of the said sum of 8,000,000*l.*, together with the charges attending the same.

IX. That all the said annuities, interest, and dividends which shall become payable in respect of the said sum of 8,000,000*l.* shall be charged and chargeable upon and are hereby charged upon and made payable out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland.

And for the more easy and sure payment of all the annuities established by this Act;—

It is Enacted,

X. That the said Governor and Company of the Bank of England, and their successors, shall from time to time, until all the said annuities shall be redeemed or shall cease, appoint and employ one or more sufficient person or persons within their office in the City of London to be their chief or first cashier or cashiers, and one other sufficient person within the same office to be their accountant-general; and that so much of the monies by this Act appropriated for the purpose as shall be sufficient from time to time to answer the said annuities and other payments herein directed to be made out of the said monies in respect of the said sum of 8,000,000*l.* shall, by order of the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, or the Lord High Treasurer of the United Kingdom of Great Britain and Ireland for the time being, without any further warrant to be sued for, had, or obtained in that behalf, from time to time, at the respective days of payment in this Act appointed for payment thereof, be issued and

paid at the receipt of the Exchequer of Great Britain to the said first or chief cashier or cashiers of the said Governor and Company of the Bank of England and their successors, for the time being, by way of imprest and upon account for the payment of the annuities in respect of the said sum of 8,000,000*l.* payable by virtue of this Act; and that such cashier or cashiers to whom the said money shall from time to time be issued shall from time to time, without delay, pay the same accordingly, and render his or their accounts thereof according to the due course of the Exchequer in Great Britain; and that the said accountant-general for the time being shall from time to time inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereto, in order to prevent any fraud, negligence, or delay.

xi. That the cashier or cashiers of the Governor and Company of the Bank of England who shall have received or shall receive any part of the said contributions towards the said sum of 8,000,000*l.* shall give a receipt or receipts in writing to every such contributor for all such sums; and that the receipts so to be given shall be assignable at any time before the 15th of October 1847, and no longer: Provided always, that such cashier or cashiers shall give security to the good liking of any three or more of the said Commissioners of Her Majesty's Treasury, or the said Lord High Treasurer, for the time being, for duly answering and paying into the account of the receipt of Her Majesty's Exchequer in Great Britain, as after-mentioned, for the public use, in aid of the monies belonging to the Consolidated Fund of the United Kingdom of Great Britain and Ireland, all the monies which they have already received and shall hereafter receive from time to time of and for the whole of the said sum of 8,000,000*l.*, and for accounting duly for the same, and for performance of the trust hereby in him or them reposed, and shall from time to time pay all such monies as soon as he or they shall receive the same or any part thereof, or within five days afterwards at the farthest, into and shall account for the same in the Exchequer of Great Britain, according to the due course thereof.

xii. That in the office of the accountant-general of the Governor and Company of the Bank of England for the time being a book or books shall be provided and kept, in which the names of the contributors shall be fairly entered, which book or books the said respective contributors, their respective executors, administrators, successors, and assigns, shall and may from time to time and at all seasonable times resort to and inspect, without any fee or charge; and the said accountant-general shall, on or before the 5th of January 1848, transmit an attested duplicate, fairly written on paper, of the said book or books, to the office of the receipt of Her Majesty's Exchequer of Great Britain, there to remain for ever.

xiii. That such contributors duly paying in the whole sum so subscribed at or before the respective times in this Act limited in that behalf, and their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be entitled by virtue of this Act to have, receive, and enjoy the said annuities by this Act granted in respect of the sum so subscribed, out of the monies granted and appropriated in this session of Parliament for payment thereof, and shall have good and sure interests and estates therein, according to the several provisions in this Act contained, and that the said annuities shall be free from all taxes, charges, and impositions whatsoever.

xiv. Provided always, and be it enacted, That in case any such contributors who have already deposited with or shall hereafter pay to the said cashier or cashiers any sum or sums of money at the time and in the manner hereinbefore mentioned, in part of the sum or sums so by them respectively subscribed, or their respective executors, administrators, successors, or assigns, shall not advance and pay to the said cashier or cashiers the residue of the sum or sums so subscribed at the times and in the manner before mentioned, then and in every such case the aforesaid deposit of 12*l.* per cent. shall be forfeited for the benefit of the public, and all right and title to the said 12*l.* per cent. deposited, and to the annuities of 3*l.* per cent. attending the same, shall be extinguished, anything in this Act contained to the contrary thereof in anywise notwithstanding.

xv. That all persons who shall be entitled to any of the annuities hereby granted in respect of the said sum of 8,000,000*l.*, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, which shall not be descendible to heirs, nor liable to any foreign attachment by the Custom of London or otherwise, any law, statute, or custom to the contrary notwithstanding.

xvi. That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any three or more of them, or the said Lord High Treasurer, for the time being, to issue and apply from time to time all such sums of money as shall be so paid into the receipt of Her Majesty's Exchequer of Great Britain by the said cashier or cashiers in respect of the said sum of 8,000,000*l.*, for any of the purposes for which money might be advanced or granted from the Consolidated Fund of Great Britain and Ireland, under an Act, 9 & 10 Vict. c. 107, intitled, 'An Act to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in Ireland,' or for such services as may be voted by the Commons of the United Kingdom of Great Britain and Ireland, or as may be authorized to be paid out of the said fund by any Act passed or that may be passed in the present session of Parliament.

xvii. That books shall be constantly kept by the said accountant-general for the time being, wherein all assignments or transfers of all sums advanced or contributed towards the said sum of 8,000,000*l.* shall be entered and registered, which entry shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers, or, if such parties be absent, by their respective attorney or attorneys, thereunto lawfully authorized in writing under his or their hand and seal or hands and seals, to be attested by two or more credible witnesses, and the several persons to whom such transfers shall be made may respectively underwrite their acceptance thereof, and that no other method of assigning and transferring the said annuities, or any part thereof, or any interest therein, shall be good or available in law; and that no stamp duties whatsoever shall be charged on any of the said transfers, any law or statute to the contrary notwithstanding.

xviii. That out of the monies arising from the contributions towards raising the said sum of 8,000,000*l.*, the said Commissioners of Her Majesty's Treasury, or any three or more of them, or the said Lord High Treasurer, for the time being,

shall have power to discharge all such incident charges as shall necessarily attend the execution of this Act, in such manner as to them shall seem just and reasonable.

xix. That it shall be lawful to and for the Governor and Company of the Bank of England to retain out of the said contributions at the rate of 500*l.* for every 1,000,000*l.* thereof, as an allowance for the service, pains, and labour of the said cashier or cashiers employed in receiving, paying, and accounting for the said annuities, and also for the service, pains, and labour of the said accountant-general for performing the trusts reposed in him by this Act, which allowance in respect of the service, pains, and labour of the said cashier or cashiers and accountant-general of the said Governor and Company shall be for the use of the said Governor and Company, and at their disposal only.

xx. That all the annuities to which any person or persons shall become entitled by virtue of this Act in respect of any sum advanced or contributed towards the said sum of 8,000,000*l.* shall be added to the joint stock of annuities transferable at the Bank of England into which the several sums carrying an interest after the rate of 3*l.* per cent. per annum were, by several Acts, 25, 28, 29, 32, & 33 Geo. 2, and by several subsequent Acts, consolidated, and shall be deemed part of the said joint stock of annuities, subject nevertheless to redemption by Parliament in such manner and upon such notice as in the said Act, 25 Geo. 2, is directed in respect of the several and respective annuities redeemable by virtue of the said Act; and that all and every person and persons and corporation whatsoever, in proportion to the money to which he, she, or they shall become entitled as aforesaid by virtue of this Act, shall have and be deemed to have a proportional interest and share in the said joint stock of annuities at the rates aforesaid.

xxi. That if any person or persons shall forge or counterfeit, or cause or procure to be forged or counterfeited, or shall willingly act or assist in the forging or counterfeiting, any receipt or receipts for the whole of or any part or parts of the said contributions towards the said sum of 8,000,000*l.*, either with or without the name or names of any person or persons being inserted therein as the contributor or contributors thereto, or payer or payers thereof, or of any part or parts thereof, or shall alter any number, figure, or word therein, or utter or publish as true any such false, forged, counterfeited, or altered receipt or receipts, with intent to defraud the Governor and Company of the Bank of England, or any body politic or corporate, or any person or persons whatsoever, every such person or persons so forging or counterfeiting, or causing or procuring to be forged or counterfeited, or willingly acting or assisting in the forging or counterfeiting, or altering, uttering, or publishing as aforesaid, being thereof convicted in due form of law, shall be adjudged guilty of felony, and liable to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned for any term not exceeding four years nor less than two years, under the provisions of an Act, 1 Vict. c. 84, intitled, 'An Act to abolish the Punishment of Death in Cases of Forgery.'

xxii. That the said Governor and Company of the Bank of England and their successors, notwithstanding the redemption of all or any of their own funds in pursuance of the Acts for establishing the same or any of them, shall continue a corporation for the purposes of this Act until the annuities by this Act granted shall be redeemed by Parliament as aforesaid; and the said Governor and Company of the Bank of England, or any member thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this Act.

xxiii. That no fee, reward, or gratuity whatsoever shall be demanded or taken of any of Her Majesty's subjects for receiving or paying the said subscription or contribution monies, or any of them, or for any receipt concerning the same, or for paying the said annuities or any of them, or for any transfer of any sum, great or small, to be made in pursuance of this Act, upon pain that any officer or person offending by taking or demanding any such fee, reward, or gratuity shall for every such offence forfeit the sum of 20*l.* to the party aggrieved, with full costs of suit to be recovered by action of debt, bill, plaint, or information in any of Her Majesty's courts of record at Westminster, wherein no essoign, protection, privilege, or wager of law, injunction, or order of restraint, or any more than one imparlance, shall be granted or allowed.

xxiv. That if any person or persons shall be sued, molested, or prosecuted for anything done by virtue or in pursuance of this Act, such person or persons shall and may plead the general issue, and give this Act and the special matter in evidence, in his, her, or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his, her, or their action or prosecution, or be nonsuited, or judgment shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have his, her, or their costs awarded to him, her, or them against any such plaintiff or plaintiffs.

CAP. X.—IRELAND.

AN ACT to render valid certain Proceedings for the Relief of Distress in *Ireland*, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings.

(18th March 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *All presentments made at presentment sessions held under recited Act, and approved by Lord Lieutenant and the Treasury, declared valid.*
2. *All persons who have acted in making presentments, &c. indemnified.*

3. Where persons have, under 5 & 6 Vict. c. 89, obtained presentments for works of drainage, &c., and have given undertakings that the monies shall be expended upon the lands specified, the same shall be ratified, &c.—Money mentioned in such undertaking shall be a charge on the lands.
4. Occupiers paying money on demand of landlord may deduct the same out of his rent.
5. In case land so drained being in the occupation of persons not proprietors of the same, Commissioners of Public Works shall fix the amount of increased rent the occupier ought to pay.—Increased rent payable at the same time as original rent.
6. Presentments made after 5th October 1846, and before the passing of this Act, may be assessed either on the barony at large or on the electoral divisions, as shall be determined by the Commissioners of Public Works.—If Justices, &c. be dissatisfied with the determination of Commissioners, they may present a memorial to the Lord Lieutenant, who shall inquire into the same, &c.
7. As to the raising of money charged upon the barony at large.
8. As to the raising of money charged upon the electoral divisions.
9. Accounts of sums certified to be transmitted to the Treasury, and laid before Parliament.
10. This Act and the 9 & 10 Vict. c. 107. to be as one Act.
11. Act may be amended, &c.

By this Act,

After reciting the passing of 9 & 10 Vict. c. 107, authorizing presentments for the execution of public works in Ireland, And that by reason of the increase of distress in Ireland it became necessary to provide further means of employing the labouring poor, and thereupon the Lord Lieutenant of Ireland, on the 5th of October last, by a certain letter, a copy of which is contained in the Schedule annexed to this Act, written and signed by his direction by the chief secretary to the Lord Lieutenant, and addressed to the chairman of the Commissioners of Public Works in Ireland, announced that he would sanction presentments that should be made at any sessions held under the said Act, for works of a re-productive character and permanent utility, subject to the regulations specified in the said letter, in the same manner as if they had been strictly public works, and presented as such in the manner required by the said Act: and that extraordinary presentment sessions have been called and held under the provisions of the said Act, and the Justices and cess-payers constituting such sessions have made presentments for various works of a public nature, and also for various works of a re-productive character and permanent utility: and that in certain cases the Justices and cess-payers, by reason of such announcement, apportioned on the several electoral divisions or parts of electoral divisions of poor law unions in the barony, half barony, county of a city, or county of a town for which such sessions were held, the sum to be assessed on such barony, half barony, county of a city, or county of a town respectively, and presented for works to be executed in such respective electoral divisions, or parts thereof: and that, for the immediate employment of the labouring poor, it became necessary that the execution of the works so presented as aforesaid should be commenced forthwith after the making of such presentments, the same having been approved by the Lord Lieutenant, although in certain cases such presentments, or the proceedings taken before or after the making thereof, were not in strict conformity with the provisions of the said Act or the said announcement: And that it is necessary and expedient that all presentments made at any such sessions before the passing of this Act, which have been approved of, or shall be approved of as hereinafter mentioned, and the advances which have been made or shall be made thereon, and the several proceedings had and taken or which shall be had and taken thereunder, should be ratified and confirmed, and made as valid and effectual as if the same had been made, done, and carried on pursuant to the provisions of the said recited Act, and that the sums of money therein presented for should be raised, levied, and paid in manner hereinafter mentioned, and that all persons who have acted in any manner, by reason of such announcement, in making such presentments or in taking such proceedings as aforesaid, should be indemnified and saved harmless from all penalties and legal proceedings in consequence thereof;—

It is Enacted,

1. That all presentments which have been made at any presentment sessions in Ireland, called and held under the provisions of the said recited Act, at any time before the passing of this Act, and which have been or shall be approved by the Lord Lieutenant of Ireland and by the Commissioners of Her Majesty's Treasury, and all works consequent upon such presentments, the execution of which has been or shall be commenced or carried on by or under the direction of the Commissioners of Public Works in Ireland, and all advances of public money for the execution of the said works which shall have been or shall be made, and all things done or to be done in execution of such presentments, shall be ratified and confirmed, and be as valid and effectual as if the same had been presented and approved and such advances had been made strictly in accordance with the provisions of the said recited Act; and the said Commissioners of Public Works shall be authorized to begin, execute, and complete the works so presented for and approved, in the same manner as if the execution thereof had been or were duly authorized by the said recited Act.

11. That all persons who shall have acted in any manner in making any presentment under the said Act, or by reason of the said announcement, or in any proceeding for giving effect to any such presentment, or in making any advance of money by reason thereof, shall be freed, acquitted, and indemnified from and against all penalties and legal proceedings in consequence thereof.

And after reciting that divers persons, representing themselves to be proprietors of land within the terms of an Act, 5 & 6 Vict. c. 89, intituled, 'An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in Connection with such Drainage, in Ireland,' and divers other persons, representing themselves to be the agents of and acting for and on behalf of such proprietors, have at such sessions applied for and obtained presentments for works of drainage or sub-soiling of lands, and have given undertakings agreeing that so much of the monies for which such presentments were made as should by an award to be made by the Commissioners of Public Works in Ireland, or any two of them, appear to have been

expended upon the lands specified in the said undertakings respectively, with interest thereon at the rate of $\$1$ 10a. per cent. per annum, should be a charge on the said lands exclusively, and should and might be levied out of the same exclusively, which undertakings have in many cases been accepted and acted upon by the said Commissioners of Public Works:—

It is Enacted,—

III. That all undertakings which have been or shall be so accepted and acted upon, and all presentments for works mentioned and referred to in such undertakings respectively, made at any sessions called and held before the passing of this Act, under the provisions of the said recited Act, in whatever form or at whatever time or times such undertakings respectively may have been or shall be so given or accepted and acted upon, and in whatever form or at whatever time or times such presentments respectively may have been made, shall be ratified and confirmed to all intents and purposes; and such undertakings respectively shall be valid and binding upon the person or persons respectively giving the same, and upon the lands therein respectively specified; and the money mentioned in any such undertaking, or so much thereof as by an award to be made by the said Commissioners of Public Works, or any two of them, and which said award the said last-mentioned Commissioners, or any two of them, shall be authorized and required to make, shall appear to have been expended upon any of the lands specified in any such undertaking, shall be a charge on the lands specified in such undertaking and award; and the money mentioned in any such award, with interest thereon at the rate of $\$1$ 10a. per cent. per annum, shall be charged upon, raised, and levied from and out of the lands so specified in such award and shall be payable, at the time or times appointed in such award, by the person or persons who, under the provisions of the said Act, 5 & 6 Vict. c. 89, and of the several Acts for the amendment thereof, would be liable for the repayment of the same, provided the same had been expended and charged on the said lands for works of drainage executed under the provisions of the said last-mentioned Acts, and shall be raised, levied, and recovered, by such persons as the Commissioners of the Treasury shall from time to time appoint, in the same manner, and by the like remedies, and with the like powers and authorities, and subject to the like provisions, as by the said last-mentioned Acts is provided for the recovery of money for works of drainage, in so far as the same may be applicable to the purposes of this Act.

IV. That every occupier of land who, not being a proprietor thereof within the terms of the Act, 5 & 6 Vict. c. 89, shall pay any sum of money for the land in his occupation, charged thereupon under and by virtue of such award under this Act, shall and is hereby authorized to deduct from and out of his rent the amount of the sum of money which he shall so pay as aforesaid; and the next immediate landlord of such occupier, if not himself such proprietor of such land, shall and he is hereby authorized to make the like deduction from the rent payable by him, and so on, each sub-lessee and sub-lessor of such land, not being such proprietor, being entitled to deduct the sum so charged upon such land under or by virtue of such award from and out of the rent payable to his next immediate landlord, until such deduction shall be made from the rent payable to a person being the proprietor, within the terms of the said Act, 5 & 6 Vict. c. 89, who shall not be entitled to make any such deduction from the rent (if any) payable by him; and every such occupier, sub-lessee, or sub-lessor, as the case may be, paying any such sum of money, shall be acquitted and discharged of the sum so paid by him, as fully and effectually as if the same had been actually paid to his landlord, except where there shall be any lease or agreement to the contrary, made after the passing of this Act; but nothing herein contained shall extend or be construed to enable any such occupier, sub-lessee, or sub-lessor to deduct from his rent any costs or expenses incurred by the non-payment of the monies charged and to be levied under and by virtue of this Act.

V. That in case any land which shall be drained or sub-soiled as aforesaid shall at the time of making any award under this Act be in the occupation of any person who shall not be the proprietor thereof within the terms of the said Act, 5 & 6 Vict. c. 89, then and in every such case the said Commissioners of Public Works shall determine the amount of increased rent, if any, which the occupier of such lands ought to pay by reason of the draining and sub-soiling thereof, and shall signify their determination by indorsement in writing on the lease or other instrument by which such lands may be held, or by a separate instrument under their hands and seals, or under the hands and seals of any two of them (in which determination the said Commissioners shall be bound to have regard, and as far as possible to give effect, to any agreement which shall be shewn to their satisfaction to have been entered into by the proprietor and any person or persons having an immediate or derivative title from him in the said lands respecting the said draining and sub-soiling thereof); and the occupier of such lands shall pay to his next immediate landlord the said increased rent, and the immediate landlord of such occupier, if not himself such proprietor as last aforesaid, shall pay the said increased rent to his immediate landlord, and so successively each sub-lessor and sub-lessee of such land, not being such proprietor as last aforesaid, shall pay the same to his immediate landlord, until such payment shall be made to the proprietor of such lands within the terms of the said Act, 5 & 6 Vict. c. 89; and the said increased rent shall be due and payable at the same times as the rent originally reserved would be due and payable between the respective parties and the landlord of such occupier; and every intermediate landlord shall have the same remedies for the recovery of such increased rent as he or they might have or were entitled to have for the rent originally reserved.

And after reciting that at certain of such sessions held after the said 5th of October presentments were, by reason of the said announcement, made for works other than those of drainage and sub-soiling, but the proceedings at such sessions were in many cases not taken in strict conformity with the provisions of the said first-recited Act, nor with the regulations contained in the said announcement, and it is necessary to define whether the cost of works executed or to be executed in pursuance thereof should be charged upon the barony, half barony, county of the city, or county of the town for which such sessions were held, or upon any and what electoral divisions or parts thereof contained within the limits of such barony, half barony, county of a city, or county of a town respectively:—

It is Enacted,

VI. That any sum of money mentioned in any presentment made at any such sessions held after the said 5th of October last, and before the passing of this Act, or so much thereof as has been or shall be expended in or about the works executed or to

be executed under such presentments, shall be charged upon the barony, half barony, county of a city, or county of a town for which such sessions were held, or upon the electoral division or part thereof situate within such barony, half barony, county of a city, or county of a town respectively within which such work shall have been or shall be executed, as shall be determined by the Commissioners of Public Works, by an instrument under the hands and seals of any two of them: Provided always, that, one calendar month at least before executing any such instrument, the said Commissioners shall cause a schedule of the presentments, and of their determination respecting the manner of charging the several sums for which such presentments were made, to be lodged with the secretary of the grand jury, for the purpose of being laid before the next presentment sessions holden for the barony or half barony, or county of a city or county of a town in which such presentments were made; and that if the Justices, and cess-payers associated with them in the business of such presentment sessions, shall be dissatisfied with the determination of the said Commissioners respecting the manner of charging any such sum, it shall be lawful for them, by resolution, to appoint any of their number to prepare and present to the Lord Lieutenant, within fourteen days after the holding of such presentment sessions, a memorial, signed by the chairman of such presentment sessions, setting forth the grounds of their objections thereunto; and a copy of every such memorial, signed by the chairman of such presentment sessions, shall be lodged within the said fourteen days in the office of the said Commissioners; and thereupon the Lord Lieutenant shall inquire into and revise the determination of the said Commissioners, and if he shall be of opinion that such determination ought to be altered shall direct in what manner the sum referred to in the memorial shall be charged, and the decision of the Lord Lieutenant shall be final, and the Commissioners shall execute the said instrument conformably to such decision.

VII. That if in such last-mentioned instrument the said last-mentioned Commissioners shall determine that any such sum of money therein mentioned shall be charged upon any such barony, half barony, county of a city, or county of a town, then the amount thereof, with interest at the rate of 3*l.* 10*s.* per cent. per annum, shall be charged upon such barony, half barony, county of a city, or county of a town, and shall be apportioned, raised, levied, recovered, paid, and applied in the like manner, and by the same remedies, and with the like powers and authorities, and subject to the like provisions, as by the said first-recited Act is provided with respect to any monies charged and recoverable by and under that Act.

VIII. That if in such last-mentioned instrument the said last-mentioned Commissioners shall determine that any such sum of money therein mentioned shall be charged upon any electoral division, or part thereof, as aforesaid, then the amount thereof, with such interest as last aforesaid, shall be charged exclusively upon the said electoral division, or such part thereof as aforesaid, and shall be apportioned, raised, levied, and recovered from and shall be payable by the occupiers and other persons rateable and rated for the relief of the poor in respect of lands and hereditaments within such electoral division, or such part thereof as aforesaid, and shall be apportioned, raised, levied, recovered, paid, and applied in the like manner, and by the same remedies, and with the like powers and authorities, and subject to the like provisions, so far as the same can be applied, as is by the said first-recited Act provided with respect to any sum of money presented under that Act to be raised and levied off any barony, half barony, county of a city, or county of a town; and all proceedings with respect to such presentments shall be deemed to be as valid as if such electoral divisions or such parts thereof as aforesaid respectively were baronies or half baronies, or counties of cities, or counties of towns, and all the provisions of that Act with reference to any sum of money presented to be raised off any barony, half barony, county of a city, or county of a town shall be in force and be applicable, as far as the case will admit, to the money to be raised and levied off such several electoral divisions or parts thereof respectively.

IX. That the said Commissioners shall, within three weeks next after the next meeting of Parliament, and also within three weeks next after the beginning of every following session of Parliament, until all the accounts arising out of the proceedings under the first-recited Act and this Act shall be closed, send to the Commissioners of Her Majesty's Treasury an account of the several sums which they shall have certified to the secretary of the grand jury of each county in Ireland, or which, by any award or instrument as aforesaid, they shall have charged on any county, or county of a city or county of a town, barony, half barony, or electoral division, or the lands of any proprietor, in such form and with such particulars as shall be directed by the said Commissioners of the Treasury, and a copy of every such account shall be laid before both Houses of Parliament.

X. That the said first-recited Act and this Act shall be construed together as one Act.

XI. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULE.

SIR,

Dublin Castle, 5th of October 1846.

I AM directed by the Lord Lieutenant to inform you, that his Excellency has had under his Consideration the various Representations which have been made to him of the Operation of the Poor Employment Act, and of the Difficulty of finding in the greater Number of Baronies "Public Works" upon which it would be expedient or beneficial to expend Money to the Extent requisite for affording Employment to the People during the Existence of the present Distress, and with a View of obviating the bad Effects of a great Expenditure of Money in the Execution of Works comparatively unproductive, he desires that the Commissioners of Public Works will direct the Officers acting under them in the respective Counties to consider and report upon such Works of a re-productive Character and permanent Utility as may be presented in the Manner hereinafter mentioned at any Sessions held under the above Act; and his Excellency will be prepared to sanction and approve of such of those Works as may be recommended by the Board, and so presented, in the same Manner as if they had been strictly "Public Works," and presented as such in the Manner required by the Act:

1. The Presentment Sessions will estimate the Sum which it may be necessary to raise off the Barony for the Purpose of affording Employment:
2. They will also ascertain the Proportion of such Assessment which, according to the last Poor Law Valuation, may be chargeable upon each Electoral Division of an Union, or Portion of an Electoral Division (if the whole shall not be included), in the Barony, and they shall obtain for this Purpose, from the Clerk of each Poor Law Union, a Copy of such Valuation:
3. They will present for such useful and profitable Works to be executed in each Electoral Division, to the Amount of its Proportion of the Assessment, ascertained as above:
4. In case of Drainage, however, and sub-soiling so far as it shall be connected with Drainage, an Undertaking shall be given in Writing, and transmitted with the Presentment by the Person or Persons whose Lands are proposed to be drained (being "Proprietor," in the Terms of the Act 5 and 6 Victoria, Chapter 89), stating that the Money so to be expended shall be a Charge exclusively on the Lands so to be improved, and be levied from the same, according to an Award to be made by the Commissioners, as under the last-mentioned Act and its Amendments.

His Excellency wishes it to be further understood, that in case these Regulations are not acted upon, and the Portions of the Assessment which would be leviable from each Electoral Division are not presented to be expended on some Work within such Division, the Proceedings at such Sessions must be considered with strict reference to the Provisions of the 9th and 10th Victoria, Chapter 107.

His Excellency, considering also that many Baronies have already held Sessions under that Act, to which Baronies the Opportunity of making Applications in the manner now prescribed has not been afforded, it is his Desire that all Works already sanctioned in those Baronies, or applied for and which it may become requisite to sanction, in order to afford continued Employment, shall be proceeded with until other Sessions may be conveniently held in such Baronies.

His Excellency, in taking upon himself the Responsibility, under the urgent Circumstances of the Case, of inviting the Magistrates and Cess-payers to provide Employment for the People by the Execution of useful and re-productive Works, confidently trusts, with their Assistance, and the Blessing of the Almighty on their united Exertions, that the Calamity with which it has pleased Providence to afflict Ireland may yet in its Results become conducive to the Production of a greater Abundance of human Food from the Soil, and to the future permanent Improvement of the Country.

I have the Honour to be, Sir,
Your obedient Servant,
H. LABOUCHERE.

The Chairman of the Board of Public Works.

CAP. XI.

AN ACT to explain and amend the Act authorizing the Advance of Money for the Improvement of Land by Drainage in *Great Britain*.

(30th February 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Certain expenses deemed to be included as expenses of works of drainage.*
2. *Plans, &c. may be dispensed with in certain cases.*
3. *Applicants for advances may withdraw or reduce the amount of their applications.*
4. *Applicants may substitute applications (in respect of other lands) for the applications withdrawn or reduced in amount.*
5. *Where separate applications have been made by the same owner for several advances, the same may be consolidated.*
6. *Advances may be made on account in certain cases.*
7. *Time for completion of works.*
8. *Form of certificates and their effect.*
9. *Provisional certificate may be assigned.*
10. *As to the words "owner of lands." This Act to be deemed part of the recited Act.*
12. *Act may be amended, &c.*

By this Act,

After reciting the passing of 9 & 10 Vict. c. 101, and that it is expedient that the said Act should be explained and amended:—

It is Enacted,

- i. That the expenses hereinafter mentioned shall be deemed to be and may be included among the expenses of works of drainage, in respect of which advances may be made under the provisions of the said Act; (that is to say,) The expense of making or improving and securing from or for the benefit of the land proposed to be improved by drainage an outfall through other land, or such part, as the Commissioners may think reasonable, of the expense of making or

improving and securing such outfall, for the benefit of the land in respect of which the advance may be applied for, and of other land :

The expense of making open drains and watercourses, including such open drains and watercourses as may need frequent repair, where reasonable security for their maintenance shall appear to the Commissioners to be afforded by the interests or liabilities of the tenants and occupiers of the land :

And the expense of fencing, trenching, and clearing the surface of land to be drained for the purpose of converting the same from waste or pasture into arable or tillage land, where such fencing, trenching, and clearing respectively shall appear to the Commissioners to be necessary to secure and render productive the proposed improvement by drainage :

Provided that it shall appear to the Commissioners that in all the cases aforesaid the works will effect an improvement in the yearly value of the land, which will exceed the utmost yearly amount which can be charged thereon under the said Act in respect of the advance applied for.

II. That where by the said Act the plan, estimate, and specification of the proposed drainage is required to be inspected or examined by and to be annexed to the Report of the assistant commissioner, or surveyor or engineer, it shall be sufficient for the assistant commissioner, or surveyor or engineer, unless the Commissioners shall otherwise direct, to inquire into and to embody in his Report such particulars of the land proposed to be drained, and of the proposed or any other manner of effecting the drainage thereof, and of the estimated expenses of such drainage, as shall appear to him necessary and sufficient to enable the Commissioners to judge of the expediency of an advance in respect of the proposed works ; and where in the provisional certificate, or in any subsequent proceedings, reference is by the said Act required to be made to the plan and specification annexed to such Report, reference may be made thereto, or to the said Report, as circumstances may require ; and it shall be lawful for the Commissioners to certify their opinion that an advance should be made in respect of any works, notwithstanding any deviation therein from the proposed manner of effecting the drainage, if such deviation shall appear to the Commissioners to be expedient, and productive of improvement as permanent and of as great yearly amount as the manner at first proposed.

III. That all parties who shall have made applications for advances under the said Act may at any time, before provisional certificates shall have been issued thereon respectively, by writing, addressed to the Commissioners, withdraw or reduce the amount of the advances for which their several applications are made ; and the Commissioners may deal with any application for such reduced advance in the same manner in all respects as if the advance for which such application is made had been originally limited to the amount to which the same shall be so reduced.

IV. Provided and enacted, That any party who shall withdraw an application or reduce the amount of the advance for which his application may have been made, under the provision hereinbefore contained, may at the time of such withdrawal or reduction substitute for the application so withdrawn an application for an advance for the drainage of any of his lands not comprised in his previous application ; and if the advance applied for by such substituted application do not exceed the advance for which the application so withdrawn may have been made, or (in the case of such reduction as aforesaid) do not exceed the amount withdrawn by reduction from the advance for which the previous application may have been made, the Commissioners may, in dealing with such substituted application, give the same the benefit (if any) in respect of priority to which they might have deemed it entitled if it had been made at the same time, and instead, in whole or in part, of the previous application : Provided always, that every such substituted application shall, in respect to the notice required to be given by advertisement, and all inquiries and proceedings to be had thereupon, except as aforesaid, be dealt with as an original application.

V. That where separate applications shall have been made by the same owner for several advances for the drainage of several lands, or where successive applications shall have been made for an advance, and a further advance for works of drainage on the same lands, it shall be lawful for the Commissioners (with the consent of the owner for the time being of such lands or land) by their provisional certificate, or by any other writing under their seal, to declare such several applications to be consolidated and treated as one application, and thenceforth the proceedings and the provisional certificate, and the certificates respectively which shall be had and issued upon such consolidated application, shall be had, framed, and issued respectively in the same manner, and shall have the same force and effect in all respects, as if the aggregate amount of the advances applied for by the several applications had been applied for, and in the case of several lands and works as if such several lands and works had been all mentioned and included in one application : Provided always, that where such separate applications as aforesaid shall have been made for advances for the drainage of several lands, such applications shall not be consolidated without the like notice by advertisement of the proposed consolidation as by the said recited Act is required in respect of an application for an advance ; and where such notice by advertisement shall be given, any person who would have been authorized to dissent from an application for an aggregate advance in respect of the lands comprised in such several applications may dissent from such proposed consolidation, and the provisions of the said recited Act in relation to dissents shall be applicable to dissents from a proposed consolidation.

VI. That where a provisional certificate has been or shall have been issued under the said Act, it shall be lawful for the Commissioners, whether a declaration shall or shall not have been inserted in the provisional certificate for this purpose, to certify to the Commissioners of the Treasury that an advance on account should be made in respect of any part of the proposed works which shall have been actually executed, not exceeding in amount the whole of the sum then actually expended thereon, in case it shall be shewn to the satisfaction of the Commissioners that the part so executed will, independently of the part remaining unexecuted, be durable and effectual, and produce an improvement in the yearly value of the land exceeding the amount of the yearly charge which can be made under the said Act in respect of such advance.

VII. That no provisional certificate shall be issued under the said Act unless it shall be shewn to the satisfaction of the Commissioners, or security be given to their satisfaction by the party applying for the advance, that the works for which the advance is to be made may be completed within five years from the date of the certificate ; and the Commissioners shall annex to every provisional certificate to be issued under the authority of the said Act a provision that all works in respect

CAP. XII.

AN ACT for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

(23rd April 1847.)

This ACT contains the following clauses :—

- I. Whole number of forces to consist of 18,398 men, exclusive of the officers and men belonging to the regiments employed in the territorial possessions of the East India Company, but including the officers and men of the troops and companies recruiting for those regiments.—Articles of War made by Her Majesty to be judicially taken notice of.
- II. Persons subject to this Act.
- III. Act to extend to Jersey, Guernsey, &c.
- IV. Foreign troops in this country subject to provisions of the Act.
- V. Act not to extend to militia and yeomanry.
- VI. Power to constitute courts-martial.
- VII. General courts-martial.
- VIII. District or garrison courts-martial.
- IX. Regimental and detachment courts-martial.
- X. Courts-martial on line of march or in troop ships.
- XI. Courts-martial in special cases out of the Queen's dominions.
- XII. Mixed courts-martial in case of marines and East India Company.
- XIII. President of court-martial.
- XIV. Proceedings at trial.
- XV. Swearing and summoning witnesses.
- XVI. Previous convictions to be put in evidence.
- XVII. Report of proceedings of general and district courts-martial.
- XVIII. No second trial, but revision allowed.
- XIX. Crimes punishable with death.
- XX. Judgment of death.
- XXI. Commutation of death for transportation.
- XXII. Embezzlement punishable by transportation.
- XXIII. Execution of sentences of transportation in the United Kingdom.
- XXIV. In the colonies.
- XXV. Power to inflict corporal punishment.
- XXVI. Power to inflict corporal punishment and imprisonment.
- XXVII. Power to commute corporal punishment.
- XXVIII. Forfeiture of pay and pension by sentence of court-martial.
- XXIX. Forfeiture of pay on conviction of desertion or felony.
- XXX. Forfeiture of pay when in confinement under sentence :—or during absence on commitment under a charge ;—or in arrest for debt ;—or when prisoner of war ;—or when convicted of desertion, or of absence without leave ;—or when absent without leave not exceeding five days.
- XXXI. Forfeiture of pay for drunkenness on duty.
- XXXII. Forfeiture of pay and liquor for habitual drunkenness.
- XXXIII. Stoppages.
- XXXIV. Discharge with ignominy.
- XXXV. Marking deserters.
- XXXVI. Power of imprisonment by different kinds of courts-martial.
- XXXVII. Imprisonment of offenders already under sentence for previous offence.
- XXXVIII. Term and place of imprisonment.
- XXXIX. Military prisons.
- XL. Custody of prisoners under military sentence in common gaols.
- XLI. Proviso for removal of prisoners.
- XLII. Their subsistence in common gaols.
- XLIII. Expiration of imprisonment in common gaols.

- XLIV. Musters and punishment for false musters.
- XLV. Trials for desertion after subsequent re-enlistment.
- XLVI. Apprehension of deserters in the United Kingdom.—In the colonies.
- XLVII. Temporary custody of deserters in gaols.
- XLVIII. Desertion of recruits.
- XLIX. Fraudulent confession of desertion.
- L. Extension of furlough in case of sickness.
- LI. No person acquitted or convicted by the civil magistrate, or by a jury, to be tried by court-martial for the same offence.
- LII. Soldiers not to be taken for debts under 30*l*.
- LIII. Officers not liable to take parish apprentices.
- LIV. Officers not to be sheriffs or mayors.
- LV. Enlisting and swearing of recruits.
- LVI. Dissent and relief from enlistment.
- LVII. Offences connected with enlistment.
- LVIII. Punishment of officers offending against laws regarding enlistment.
- LIX. Enlistment and re-enlistment abroad.
- LX. Enlistment of negroes.
- LXI. Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.
- LXII. Claims of masters to apprentices.
- LXIII. Punishment of apprentices enlisting.
- LXIV. Wages of servants enlisting.
- LXV. Removal of doubts as to attestation of soldiers.
- LXVI. Authorized deductions only to be made from the pay of the army.
- LXVII. How and where troops may be billeted.—Exemptions from billets.
- LXVIII. Billeting the guards in and near Westminster.
- LXIX. Military officers not to act as Justices in billeting.
- LXX. Allowance to innkeepers.
- LXXI. Definition of terms.—Powers and regulations as to billets.
- LXXII. Supply of carriages.
- LXXIII. Rates to be paid for carriages, and regulations relating thereto.
- LXXIV. Supply of carriages in cases of emergency.
- LXXV. Justices empowered to reimburse constables for sums expended by them.
- LXXVI. Routes in Ireland.
- LXXVII. Tolls.
- LXXVIII. Ferries.
- LXXIX. Marching money on discharge.
- LXXX. Notification to parishes of good or bad conduct of soldiers.
- LXXXI. Ordinary course of criminal justice not to be interfered with.—Punishment of officers obstructing civil justice.
- LXXXII. Penalty for disobedience by agents.
- LXXXIII. Penalty on trafficking in commissions.
- LXXXIV. Penalty for procuring false musters.
- LXXXV. Penalty on unlawful recruiting.
- LXXXVI. Penalty for inducing soldiers to desert.
- LXXXVII. Penalty for forcible entry in pursuit of deserters.
- LXXXVIII. Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.—Certain provisions of Gaol Acts to apply to military prisons.
- LXXXIX. Penalty on purchasing soldiers necessaries, stores, &c.
- XC. Penalties upon civil subjects offending against the laws relating to billets and carriages.
- XCI. Penalties upon the military so offending.
- XCII. Penalty on killing game.
- XCIII. Form of actions at law.
- XCIV. Recovery of penalties.
- XCV. Appropriation of penalties.
- xcvi. Mode of recording a soldier's settlement.

- xcvii. Licences of canteens.
- xcviii. Attestation of accounts.
- xcix. Commissaries to attest their accounts.
- c. Administration of oaths.—Perjury.
- ci. Offences against former Mutiny Acts and Articles of War.
- cii. Duration of the Act.
- ciii. Alteration of the Act.

CAP. XIII.

AN ACT for the Regulation of Her Majesty's Royal Marine Forces while on shore.

(23rd April 1847.)

This Act contains the following clauses,—

- i. Lord High Admiral, &c. may make articles for the punishment of mutiny, desertion, &c.
- ii. Offences against former Mutiny Acts and Articles of War.—Limitation as to time.
- iii. Act to extend to Jersey, &c.
- iv. The ordinary course of law not to be interfered with.
- v. No person tried by civil power to be punished by court-martial for same offence except by cashiering.
- vi. Marines to be subject to the discipline of the navy while on board ship.
- vii. Lord High Admiral, &c. may grant commissions for holding general court-martial, &c.
- viii. General courts-martial.
- ix. District or garrison courts-martial.
- x. Divisional courts-martial.
- xi. Courts-martial on line of march or in transport ships, &c.
- xii. Courts-martial in special cases out of the Queen's dominions.
- xiii. Officers of the marine and land forces may sit in conjunction on courts-martial.
- xiv. If no superior officer of land forces is present in command of a district, &c. an officer of marines may convene a court martial.
- xv. President of courts-martial.
- xvi. Proceedings at trial.
- xvii. Swearing and summoning witnesses.
- xviii. Previous convictions to be put in evidence.
- xix. Report of proceedings of courts-martial.
- xx. No second trial, but revision allowed.
- xxi. Crimes punishable with death.
- xxii. Judgment of death.
- xxiii. Commutation of death for transportation.
- xxiv. Embezzlement punishable by transportation.
- xxv. Transportation of offenders.
- xxvi. In the colonies.
- xxvii. Disposal of convict after sentence of transportation.
- xxviii. Power to inflict corporal punishment.
- xxix. Power to inflict corporal punishment and imprisonment.
- xxx. Power to commute corporal punishment.
- xxxi. Forfeiture of pay and pension by sentence of court-martial.
- xxxii. Forfeiture of pay on conviction of desertion or felony.
- xxxiii. Forfeiture of pay when in confinement, or during absence on commitment under a charge, or in arrest for debt, or when prisoner of war, or when convicted of desertion.
- xxxiv. Forfeiture of pay and liquor for habitual drunkenness.
- xxxv. Forfeiture of pay for drunkenness on duty.
- xxxvi. Stoppages.
- xxxvii. Discharge with ignominy.
- xxxviii. Marking deserters.
- xxxix. Power of imprisonment by different kinds of courts-martial.

- XL. Imprisonment of offenders already under sentence for previous offence.
 - XLI. Term and place of imprisonment.
 - XLII. Proviso for removal of prisoners.
 - XLIII. Custody of prisoners under military sentence in common gaols.
 - XLIV. Their subsistence in common gaols.
 - XLV. Expiration of imprisonment in common gaols.
 - XLVI. Military prisons established under Act for punishing mutiny and desertion in army to be deemed public prisons.
 - XLVII. Musters, and penalty on false musters.
 - XLVIII. Verifying of muster rolls.
 - XLIX. Trials for desertion after subsequent re-enlistment.
 - L. Apprehension of deserters.
 - LI. Temporary custody of deserters in gaols.
 - LII. Fraudulent confession of desertion.
 - LIII. Punishment for inducing marines to desert.
 - LIV. Extension of furlough in case of sickness.
 - LV. Marines not to be taken for debts under 30*l.*, or for not supporting family.
 - LVI. Officers not liable to take parish apprentices.
 - LVII. Officers not to be sheriffs or mayors.
 - LVIII. Enlisting and swearing of recruits.
 - LIX. Dissent and relief from enlistment.
 - LX. Offences connected with enlistment.
 - LXI. Penalty on officers offending as to enlistment.
 - LXII. Apprentices enlisting to be liable to serve after the expiration of their apprenticeship.
 - LXIII. Claims of masters to apprentices.
 - LXIV. No apprentice claimed by the master shall be taken away without a warrant.—Punishment of apprentices enlisting.
 - LXV. Servants enlisting to be entitled to a portion of their wages.
 - LXVI. Removal of doubts as to attestation of marines.
 - LXVII. Admiralty may order pay to be withheld.
 - LXVIII. Billeting of marines.
 - LXIX. Allowance to innkeepers.
 - LXX. Supply of carriages.
 - LXXI. Rates for carriages.
 - LXXII. Providing for supply of carriages, &c. in cases of emergency.
 - LXXIII. Justices of Peace to direct payment of sums expended for carriages, &c.
 - LXXIV. Lord Lieutenant of Ireland may depute persons to sign routes.
 - LXXV. Exemption from tolls.
 - LXXVI. Marching money on discharge.
 - LXXVII. Notification to parishes of good or bad conduct of marines.
 - LXXVIII. Penalties upon civil subjects offending against the laws relating to billets and carriages.
 - LXXIX. Penalty upon officers of marines so offending.
 - LXXX. Penalty for forcible entry.
 - LXXXI. Penalty for purchasing clothes, &c. from any marine.
 - LXXXII. Penalty on unlawful recruiting.
 - LXXXIII. Penalty on officers killing game.
 - LXXXIV. Limitation of actions.
 - LXXXV. Recovery of penalties.
 - LXXXVI. Appropriation of penalties.
 - LXXXVII. Licences of canteens.
 - LXXXVIII. Mode of recording a marine's settlement.
 - LXXXIX. Administration of oaths.—Perjury.
 - xc. Definition of terms.—Marines not to be billeted in private houses, &c.
 - xcI. Duration of Act.
 - xcII. Act may be amended.
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CAP. XIV.

AN ACT for consolidating in One Act certain Provisions usually contained in Acts for constructing or regulating Markets and Fairs.

(23rd April 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Extent of Act.*
2. *Interpretations in this Act:—*"Special Act;" "prescribed;" "the lands;" "the undertaking;" "undertakers."
3. *Interpretations in this and the special Act:—*Number; gender; "person;" "lands;" "lease;" "the market or fair;" "cart;" "driver;" "cattle;" "collector;" "month;" "superior courts;" "oath;" "county Justice;" "two Justices;" "sheriff;" "quarter sessions."
4. *Short title of this Act.*
5. *Form in which portions of this Act may be incorporated in other Acts.*
6. *Construction of markets or fairs to be subject to the provisions of this Act and one of the Lands Clauses Consolidation Acts, 1845.*
7. *Errors and omissions in special Act, or Schedules thereto, may be corrected by Justices, &c., who shall certify the same.—Certificate to be deposited.*
8. *Copies of alterations, &c. to be evidence.*
9. *Additional land may be taken for extraordinary purposes.*
10. *Undertakers, subject to provisions of this and the special Act, may execute the works herein named.*
11. *Undertakers to make satisfaction for damage done.*
12. *Before the market or fair shall be opened, notice to be given by undertakers.*
13. *Sales elsewhere than in markets prohibited under a penalty not exceeding 40s.*
14. *Market days.*
15. *Penalty for selling or exposing for sale unwholesome meat, &c.—Penalty on obstructing inspector.*
16. *Penalty for obstructing market or fair keeper.*
17. *Power to erect slaughter-houses, if authorized by the special Act.*
18. *Nothing to protect undertakers from an indictment for nuisance.*
19. *Penalty on slaughtering cattle, &c. elsewhere than in an authorized slaughter-house.*
20. *Inspector may enter and inspect slaughter-houses.*
21. *Undertakers to provide proper weights and measures for weighing commodities sold at markets and fairs.*
22. *Articles to be weighed if requested by the buyer.—Penalty for refusal.*
23. *Penalty on persons appointed refusing to weigh.*
24. *Undertakers to keep proper machines for weighing carts laden with goods.*
25. *Carts to be weighed at one of the machines erected by the undertakers.*
26. *Penalty on drivers for refusing to take carts to be weighed, &c.*
27. *Penalties on drivers of carts, &c. committing frauds, in weighing.*
28. *Penalty on buyers or sellers for committing frauds in weighing.*
29. *Penalties for frauds committed by the machine keeper.*
30. *Penalty on other parties committing frauds as to weighing.*
31. *Tolls, &c. not to be demanded until market or fair completed.*
32. *Certificate of two Justices to be evidence that market or fair is completed.*
33. *Stallages, &c. when to be paid.*
34. *Tolls to be paid to persons authorized before the same are weighed, &c.*
35. *Tolls in respect of cattle market when due.*
36. *Stallages, tolls, &c. may be varied from time to time.*
37. *Penalty on taking a greater toll than authorized by this or the special Act.*
38. *Recovery of tolls by distress, &c.*
39. *Disputes respecting tolls, how to be settled.*
40. *Penalty for obstructing collector of rents, &c.*
41. *List of tolls, &c. to be set up and placed in conspicuous places.*
42. *Bye-laws may be made for all or any of the purposes herein named.—Bye-laws may be repealed or altered from time to time.*
43. *Bye-laws may be enforced by imposition of penalties.*
44. *No bye-laws to come into operation until allowed in the manner prescribed and approved by Secretary of State.*
45. *Notice of allowance of bye-laws to be given in one or more newspapers, &c.*
46. *A copy of proposed bye-laws to be open for inspection.*
47. *Publication of bye-laws.*
48. *Bye-laws to be binding on all parties.*
49. *Proof of publication of bye-laws.*

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| <p><i>Accounts.</i></p> <p><i>Recovery of Damages and Penalties.</i></p> <p><i>Access to Special Act.</i></p> | { | <p>50. <i>Annual account to be made up by the undertakers and transmitted to the clerk of the peace in England or Ireland, or to the sheriff clerk in Scotland, and to be open to inspection.—Penalty on omission to prepare such account.</i></p> <p>51. <i>Tender of amends.</i></p> <p>52. <i>Railways Clauses Consolidation Acts, 1845, as to damages, &c. to be incorporated with this and the special Act.</i></p> <p>53. <i>In Ireland part of penalties to be paid to guardians of unions.</i></p> <p>54. <i>Nothing in this or the special Act to affect the rights of the Crown.</i></p> <p>55. <i>All things required to be done by two Justices in England and Ireland may, in certain cases, be done by one, and in Scotland by the sheriff, &c.</i></p> <p>56. <i>Penalties, &c. imposed in respect of any offence committed within the metropolitan police district to be paid to the receiver, and applied under 2 & 3 Vict. c. 71.</i></p> <p>57. <i>Penalty for giving false evidence.</i></p> <p>58. <i>Copies of special Act to be kept by undertakers at their office, and deposited with the clerks of the peace, &c. and be open to inspection.</i></p> <p>59. <i>Penalty on undertakers failing to keep or deposit such copies.</i></p> <p>60. <i>Act may be amended, &c.</i></p> |
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By this Act,

After reciting that it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament authorizing the construction or regulation of markets and fairs, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves:—

It is Enacted,

I. That this Act shall extend only to such markets or fairs as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith; and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, with the clauses of every other Act which shall be incorporated therewith, form part of such Act, and be construed therewith as forming one Act.

And with respect to the construction of this Act, and any Act incorporated therewith, it is enacted as follows:—

II. The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction or regulation of a market or fair, and with which this Act shall be incorporated; and the word “prescribed” used in this Act in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word occurs shall be construed as if instead of the word “prescribed” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the lands” shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression “the undertaking” shall mean the market or fair, and the works connected therewith, by the special Act authorized to be constructed or regulated; and the expression “the undertakers” shall mean the persons authorized by the special Act to construct or regulate the market or fair.

III. The following words and expressions in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say.)

Words importing the singular number shall include the plural number, and words importing the plural number shall include also the singular number:

Words importing the masculine gender shall include females:

The word “person” shall include a corporation, whether aggregate or sole:

The word “lands” shall include messuages, lands, tenements, and hereditaments or heritages of any tenure:

The word “lease” shall include a missive of and an agreement for a lease:

The expression “the market or fair” shall mean the market or fair, and the works connected therewith, by the special Act authorized to be constructed or regulated:

The word “cart” shall include waggon, and also any carriage used wholly or chiefly for the conveyance of goods:

The word “driver” shall include the carter or other person having the care of any cart:

The word “cattle” shall include horse, ass, mule, ram, ewe, wether, lamb, goat, kid, or swine:

The expression “the collector” shall mean the person appointed by the undertakers to collect the stallages, rents, or tolls authorized by the special Act, [and] shall include the assistants of the collector:

The word “month” shall mean calendar month:

The expression “superior courts,” when the matter submitted to the cognizance of the Court arises in England or Ireland, shall mean Her Majesty’s superior courts of record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the County palatine of Lancaster, and the Court of Pleas of the county of Durham; and when such matter arises in Scotland it shall mean the Court of Session:

The word “oath” shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath:

The word "county" shall include riding or other division of a county having a separate commission of the peace; and in Scotland, stewartry, and any ward or other division of a county or stewartry, having a separate sheriff, and it shall also include county of a city or county of a town:

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises; and if such matter arise in respect of lands situated not wholly in any one jurisdiction shall mean a Justice acting for the place where any part of such lands shall be situated; and where any matter is authorized or required to be done by two Justices, the expression "Two Justices" shall be understood to mean two or more Justices assembled and acting together:

The word "Sheriff" shall mean the sheriff depute of the county or ward of a county in Scotland, and the steward depute of the stewartry of Scotland in which the matter submitted to the cognizance of the sheriff arises, and shall include the substitutes of such sheriff depute and steward depute respectively:

The expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act; and if such expression be not there defined it shall mean the General or Quarter Sessions of the Peace which shall be held at the place nearest to the market or fair, or the principal office thereof, for the county or place in which the market or fair is situate, or for some division of such county having a separate commission of the peace.

And with respect to citing this Act, or any part thereof, it is enacted as follows:

IV. In citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression "The Markets and Fairs Clauses Act, 1847."

V. For the purpose of incorporating part only of this Act with any Act hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act with the exception of the clauses so described, shall be incorporated with such Act, and thereupon all the clauses of this Act so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

And with respect to the construction of the market or fair, and the works connected therewith, it is enacted as follows:

VI. Where by the special Act the undertakers shall be empowered, for the purpose of constructing the market or fair, to take or use any lands otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the power so given to them, be subject to the provisions and restrictions contained in this Act and in the Lands Clauses Consolidation Act, 1845, when the special Act relates to England or Ireland, and to the provisions and restrictions contained in this Act and the Lands Clauses Consolidation (Scotland) Act, 1845, when the special Act relates to Scotland; and the undertakers shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the special Act, or injuriously affected by the construction of the works thereby authorized, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other persons by reason of the exercise, as to such lands, of the powers vested in the undertakers by this or the special Act, or any Act incorporated therewith; and, except where otherwise provided by this or the special Act, the amount of such compensation shall be determined in the manner provided by the said Lands Clauses Consolidation Acts respectively for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the said last-mentioned Acts respectively shall be applicable to determine the amount of any such compensation, and to enforce payment or other satisfaction thereof.

VII. If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described or purporting to be described in the special Act, or in the schedule thereto, the undertakers after giving ten days' notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply in England or Ireland to two Justices, and in Scotland to the sheriff, for the correction thereof; and if it appear to such Justices or sheriff that such omission, mis-statement, or wrong description arose from mistake, they or he shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate shall be deposited in England or Ireland with the clerk of the peace, and in Scotland with the sheriff clerk of the county in which the lands affected thereby shall be situated, or where any such lands are situated in a royal burgh in Scotland, with the town clerk of such burgh; and such certificate shall be kept by such clerk of the peace, sheriff clerk, or town clerk with the other documents to which they relate, and thereupon the special Act or schedule shall be deemed to be corrected according to such certificate; and the undertakers may make the works in accordance with such certificate as if such omission, mis-statement, or wrong description had not been made.

VIII. Copies of any such alteration or correction thereof, or extracts therefrom, certified by any such clerk of the peace, sheriff clerk or town clerk in whose custody the same may be, which certificate such clerk shall give to all parties interested when required, shall be received in all courts of justice and elsewhere as evidence of the contents thereof.

IX. The undertakers, in addition to the lands authorized to be taken compulsorily, or to be appropriated by them for the purposes of the market or fair under the powers of this and the special Act, may appropriate any lands vested in them, or may contract with any person willing to sell the same for the purchase of any land within the limits of the special Act, not exceeding in the whole the prescribed number of acres for extraordinary purposes; (that is to say,)

For providing slaughter-houses, (if the undertakers shall be authorized by the special Act to provide slaughter-houses,) and houses and places for weighing carts:

For making convenient roads and approaches to the market or fair:

For any other purpose which may be necessary for the formation or convenient use of the market or fair.

X. Subject to the provisions in this and the special Act and any Act incorporated therewith, the undertakers for the purpose of constructing a place for holding the market or fair may execute any of the following works; (that is to say,)

They may enter upon any lands described in the special Act, or the Schedule thereto, and other lands purchased by them

or belonging to them, and set out such parts as they think necessary for the purposes of the market or fair, and thereupon from time to time build and maintain such market places or place for fairs, and such stalls, sheds, pens, and other buildings or conveniences for the use of the persons frequenting the market or fair, and for weighing and measuring goods sold in the market or fair, and for weighing carts, as they may think necessary:

They may from time to time on such lands as aforesaid make and maintain all such roads and approaches as they may think necessary for the convenient use of the persons resorting to the market or fair.

xI. Provided always, That in the exercise of the powers by this or the special Act granted the undertakers shall do as little damage as can be, and shall make full satisfaction in manner herein and by the special Act and any Act incorporated therewith provided to all parties interested for all damages sustained by them by reason of the exercise of such powers.

And with respect to the holding of the market or fair, and the protection thereof, it is enacted as follows:

xII. Before the market or fair shall be opened for public use the undertakers shall give not less than ten days' notice of the time when the same will be opened, and such notice shall be given by the publication thereof in some newspaper circulating within the limits of the special Act, and by printed handbills posted on some conspicuous place within those limits.

xIII. After the market place is open for public use every person other than a licensed hawker who shall sell or expose for sale in any place within the prescribed limits, except in his own dwelling place or shop, any articles in respect of which tolls are by the special Act authorized to be taken in the market, shall for every such offence be liable to a penalty not exceeding 40s.

xIV. After the market place or place for fairs is opened for public use the undertakers shall hold markets and fairs therein on the prescribed days (if any), and on such other days as the undertakers shall appoint from time to time by any bye-law to be made in pursuance of this or the special Act.

xV. Every person who shall sell or expose for sale any unwholesome meat or provisions in the market or fair shall be liable to a penalty not exceeding 5*l.* for every such offence; and any inspector of provisions appointed by the undertakers may seize such unwholesome meat or provisions, and carry the same before a Justice, and thereupon such proceedings shall be had as are hereinafter directed to be had in the case of any cattle or carcase seized in any slaughter-house and carried before a Justice; and every person who shall obstruct or hinder the inspector of provisions from seizing or carrying away such unwholesome meat or provisions shall be liable to a penalty not exceeding 5*l.* for every such offence.

xVI. Every person who shall assault or obstruct any person appointed by the undertakers to superintend the market or fair, or to keep order therein, whilst in the execution of his duty, shall for every such offence be liable to a penalty not exceeding 40*s.*

And with respect to slaughter-houses, it is enacted as follows:—

xVII. Where by the special Act the undertakers shall be empowered to provide slaughter-houses they may from time to time erect, on any land purchased by them under the provisions of this or the special Act, or any Act incorporated therewith, any buildings, or set apart and improve any buildings belonging to them, for the slaughtering of cattle, and so soon as the same shall be ready for public use the undertakers shall give notice to that effect by the publication thereof in some newspaper circulating within the limits of the special Act, and by printed handbills posted on some conspicuous place within the said limits.

xVIII. Provided, That nothing in this or the special Act, or any Act incorporated therewith, shall protect the undertakers from an indictment for nuisance, or from any other legal proceeding, in respect of any such slaughter-house as aforesaid.

xIX. After the expiration of ten days from the publication and posting of such notice no person shall slaughter any cattle or dress any carcase for sale as human food or food of man in any place within the limits of the special Act other than a slaughter-house which was in use as such before and at the time of the passing of the special Act, and has so continued ever since, or the slaughter-houses made in pursuance of this and the special Act; and every person who shall, after such notice as aforesaid, slaughter any such cattle or dress for sale any such carcase within the limits of the special Act in any place other than one of such slaughter-houses, shall be liable to a penalty not exceeding 5*l.* for every such offence.

xx. The inspector of provisions, or any officer appointed by the undertakers for that purpose, may at all times of the day, with or without assistants, enter into and inspect all buildings erected or set apart by the undertakers for slaughtering cattle, and examine whether any cattle or the carcase of any cattle is deposited there; and in case such officer shall find any cattle, or the carcase or part of the carcase of any such cattle, which shall appear unfit for the food of man, he may seize and carry the same before a Justice, and such Justice shall forthwith order the same to be further inspected and examined by competent persons; and in case upon such inspection and examination such cattle, carcase or part of a carcase, shall be found unfit for the food of man, such Justice shall order the same to be immediately destroyed or otherwise disposed of in such way as to prevent the same being exposed for sale or used for the food of man; and every person who shall obstruct or hinder such inspector or other officer in the discharge of any of the duties aforesaid shall be liable to a penalty not exceeding 5*l.* for every such offence.

And with respect to weighing goods and carts, it is enacted as follows:

xxI. The undertakers shall provide sufficient and proper weighing houses or places for weighing or measuring the commodities sold in the market or fair, and shall keep therein proper weights, scales, and measures according to the standard weights and measures for the time being for weighing such commodities as aforesaid, and shall appoint proper persons to attend to the weighing or measuring such commodities at all times during which the market or fair is holden.

xxII. Every person selling or offering for sale any articles in the market or fair shall, if required so to do by the buyer cause the same to be weighed or measured by the weights and scales or measures provided by the undertakers; and any such

person who shall refuse, on demand, to cause such articles to be weighed or measured in manner aforesaid, shall be liable to a penalty not exceeding 40s.

xxiii. Every person appointed by the undertakers to weigh or measure any articles sold in the market or fair who shall refuse or neglect to weigh or measure the same when required shall be liable to a penalty not exceeding 40s.

xxiv. The undertakers shall provide sufficient and proper buildings or places for weighing carts in which goods are brought for sale within the market or fair or the prescribed limits, and shall keep therein machines and weights proper for that purpose, and shall from time to time appoint a person in every such building or place to afford the use of such machines to the public by weighing such carts with or without their loading, as may be required.

xxv. The driver of every such cart shall, at the request of the buyer or seller of such goods, or his agent, take such cart, with or without the loading thereof, to the nearest of the said weighing machines, and shall permit the same to be weighed; and if such cart be weighed with its load thereupon the driver shall, if required, take such cart after its load has been discharged to the weighing machine nearest to such place of discharge, and permit it to be re-weighed without such load; and if any such driver shall for the purposes aforesaid be required to take such cart a greater distance than half a mile, including the going to and returning from such machines respectively, the owner of the cart shall be paid for every horse which shall be used in drawing such cart 2d. for the first half mile, and a like sum for every additional half mile; and such payment shall be made by the person requiring such cart to be weighed as aforesaid before the driver thereof shall be obliged to take it as aforesaid for the purpose of having it weighed.

xxvi. The driver of any such cart who shall not, upon being so requested as aforesaid, and having such payment made or tendered as aforesaid, take the same to such weighing machine as hereinbefore directed, or who shall refuse to assist in the weighing of the same, shall forfeit to the person requiring such cart to be weighed a sum not exceeding 20s.

xxvii. Every driver of any such cart weighed at any weighing machine to be provided in pursuance of this or the special Act who shall commit any of the following offences shall be liable to a penalty not exceeding 5l. for each offence; (that is to say,)

If he at the time of weighing any such cart knowingly have anything in or about the same other than the proper loading thereof:

If he alter any ticket denoting the weight of any such cart, or the loading of the same:

If he make or use, or be privy to making or using any ticket falsely stating the weight of any such cart or the loading thereof:

If he, after the weighing of any such cart, with the loading thereof, remove any part of such loading, and afterwards dispose of or attempt to dispose of or represent the residue of such loading as being the full loading denoted by such ticket:

If he, between the time when the cart and the loading thereof have been so weighed and the time when such cart is weighed without such loading, change the wheels of such cart, or make any other change upon it after being required to allow such cart to be weighed without the loading thereof:

If he be guilty of any other fraudulent contrivance to misrepresent the weight of any such cart or of the loading thereof.

xxviii. If the buyer or seller of any goods brought in any cart for sale within the market or fair, and which shall be required to be weighed as aforesaid, shall do anything to such cart or its loading whereby the true weight thereof respectively shall be altered before such weighing, he shall for every such offence be liable to a penalty not exceeding 5l.

xxix. The person for the time being appointed to keep any weighing machine provided in pursuance of this or the special Act shall be liable to a penalty not exceeding 5l. in any of the following cases; (that is to say,)

If he wilfully neglect, on application, duly to weigh any cart, with or without its loading, as the case may be, that is brought to the machine kept by him to be weighed:

If he do not fairly weigh every such cart, with or without loading, as the case may be:

If he do not deliver to the buyer or seller of any such loading, or to any person interested therein, on application, a ticket or account specifying the true weight of such cart, with or without such loading, as may be required:

If he give to the driver of any such cart a false ticket or account of the weight of such cart, with or without the loading thereof:

If he weigh any cart, with or without its loading, knowing that anything had been done to such cart or to the loading thereof to alter the true weight thereof respectively:

If he knowingly assist in or connive at any fraud concerning the weighing of any cart or the loading thereof, or make or connive at making any false representation of the weight of the same respectively.

xxx. Every person who shall knowingly act or assist in committing any fraud respecting the weighing or weight of any cart, or the loading thereof, in pursuance of this or the special Act, shall for every such offence be liable to a penalty not exceeding 5l.

And with respect to the stallages, rents, and tolls to be taken by the undertakers, it is enacted as follows:—

xxxi. Unless it be otherwise provided by the special Act, the undertakers shall not demand or receive any stallage, rent, or toll until the market place or place for a fair or slaughter-house in respect of the use of which the same shall be demanded shall be completed and fit for the use of the persons resorting thereunto.

xxxii. A certificate under the hand of any two Justices shall be conclusive evidence that the same is completed and fit for public use as aforesaid; and any such Justices shall sign such certificate on proof being adduced to them that the market place or place for a fair or slaughter-house is so completed and fit for public use.

xxxiii. The several stallages, rents, or tolls payable in respect of the market or fair or slaughter-house shall be paid from time to time, on demand, to the undertakers or the collector, or other person authorized by the undertakers to receive the same.

xxxiv. The tolls payable in respect of weighing or measuring marketable commodities, or carts with or without goods, shall be paid to the person authorized by the undertakers to weigh or measure the same by the persons bringing such marketable commodities or carts to be weighed or measured, before the same are weighed or measured.

xxxv. The tolls in respect of cattle brought to the market for sale shall become due as soon as the cattle in respect whereof they are demandable are brought into the market place, and before the cattle are put into any pen, or tied up in such market place; and if the cattle be not removed within one hour after the close of the market, another toll shall become due in respect of the cattle so omitted to be removed.

xxxvi. The undertakers may from time to time change the stallages, rents, and tolls to be taken in respect of the market or fair or for the slaughter-houses, or for weighing and measuring, provided that the stallages, rents, and tolls in no case exceed the amounts authorized by the special Act.

xxxvii. Every person who shall demand or receive a greater toll than that authorized to be taken under the provisions of this or the special Act shall for every such offence be liable to a penalty not exceeding 40s.

xxxviii. If any person liable to the payment of any stallage, rent, or toll authorized by this or the special Act to be taken do not pay the same when demanded, the undertakers or their lessee, or any person authorized by the undertakers or their lessee to collect the same, may levy the same in England or Ireland by distress, and in Scotland by poinding and sale, of all or any of the cattle or other articles in respect of which such stallage, rent, or toll is payable, or of any other cattle or other articles in the market belonging to the person liable to pay such stallage, rent, or toll, or under his charge, or such tolls may be recovered in any court having competent jurisdiction.

xxxix. If any dispute arise concerning any such stallage, rent, or toll, such dispute shall be determined in England or Ireland by a Justice, and in Scotland by the sheriff, and such Justice or sheriff shall, on application made to him, determine the same, and make such order therein, and award such costs to either party, as to him shall seem proper; and in default of payment, on demand, of the money which shall be so awarded, and of the costs, the same shall be forthwith levied in England or Ireland by distress, and in Scotland by poinding and sale, and the Justice or sheriff shall issue his warrant accordingly.

xl. Every person who shall assault or obstruct any person authorized to collect any stallage, rent, or toll authorized by this or the special Act shall for every such offence be liable to a penalty not exceeding 40s.

xli. The undertakers or their lessee shall from time to time cause to be painted on boards, or to be printed and attached to boards, in large and legible characters, a list of the several stallages, rents, and tolls from time to time payable under this and the special Act, and shall cause a board containing such list to be conspicuously set up and continued in the market or fair, and in each weighing-house and slaughter-house provided by the undertakers, to which each such list shall relate, and no stallage, rent, or toll shall be payable during the time such list is not so set up, or for anything not specified therein: Provided always, that if such list shall be destroyed, injured, or obliterated, the stallages, rents, and tolls shall continue to be payable during such time as shall be reasonably required for the restoration of such list, in the same manner as if such list had continued in the state required by this Act.

And with respect to the bye-laws to be made by the undertakers, it is enacted as follows,—

xlvi. The undertakers may from time to time make such bye-laws as they think fit for all or any of the following purposes; (that is to say,)

For regulating the use of the market place and fair, and the buildings, stalls, pens, and standings therein, and for preventing nuisances or obstructions therein, or in the immediate approaches thereto:

For fixing the days, and the hours during each day, on which the market or fair shall be held:

For inspection of the slaughter-houses, and for keeping the same in a cleanly and proper state, and for removing filth and refuse at least once in every twenty-four hours, and for requiring that they be provided with a sufficient supply of water, and preventing the exercise of cruelty therein:

For regulating the carriers resorting to the market or fair, and fixing the rates for carrying articles carried therefrom within the limits of the special Act:

For regulating the use of the weighing machines provided by the undertakers, and for preventing the use of false or defective weights, scales, or measures:

For preventing the sale or exposure for sale of unwholesome provisions in the market or fair:

And the undertakers may from time to time, as they shall think fit, repeal or alter any such bye-laws; provided always, that such bye-laws shall not be repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act, or of any Act incorporated therewith; and such bye-laws shall be reduced to writing under the common seal of the undertakers if they be a body corporate, or the hands and seals of two of the undertakers if they be not a body corporate, and, if affecting other persons than the officers and servants of the undertakers, shall be printed and published as herein provided.

xliii. The undertakers, by the bye-laws so to be made by them, may impose such reasonable penalties as they shall think fit, not exceeding 5*l.* for each breach of such bye-laws; provided that every such bye-law shall be so framed as to allow the Justices or sheriff before whom any penalty imposed thereby shall be sought to be recovered to order the whole or part only of such penalty to be paid.

XLIV. No bye-laws made under the authority of this or the special Act (except such as may relate solely to the officers or servants of the undertakers) shall come into operation until the same shall be allowed in the manner prescribed by the special Act, or, if no manner be prescribed, until the same shall be allowed by the Justices at Quarter Sessions if the market or fair be in England or Ireland, or the sheriff if the market or fair be situate in Scotland, and in either case approved under the hand of one of Her Majesty's principal Secretaries of State; and it shall be incumbent on the Justices at Quarter Sessions, or the sheriff, as the case may be, on the request of the undertakers, to examine into the bye-laws which may be tendered to them for that purpose, and to allow of or disallow the same, as to them may seem meet.

XLV. Provided always, That no such bye-law shall be allowed in manner herein mentioned unless notice of the intention to apply for an allowance of the same shall have been given in one or more newspapers of the county in which the market or fair shall be situated, or, if there be no newspaper in such county, in one or more newspapers of the adjoining county, one month at least before the hearing of such application; and any party aggrieved by any such bye-law, on giving notice of the nature of his objection to the undertakers ten days before the hearing of the application for the allowance thereof, may, by himself or his counsel, attorney, or agent, be heard thereon, but not so as to allow more than one party to be heard upon the same matter of objection.

XLVI. For one month at least before any such application for allowance of any bye-law a copy of such proposed bye-laws shall be kept at the principal office of the undertakers, and shall be put up in some conspicuous place in the market place or fair, and all persons at all reasonable times may inspect such copy without fee or reward, and the undertakers shall furnish every person who shall apply for the same with a copy thereof, or of any part thereof, on payment of 6d. for every one hundred words so to be copied.

XLVII. The said bye-laws shall be published in the prescribed manner, and when no manner of publication is prescribed they shall be printed, and the clerk of the undertakers shall give a printed copy thereof to every person applying for the same without charge, and a copy thereof shall be painted or placed on boards, and put up in some conspicuous part of the principal office of the undertakers, and also in some conspicuous place in the market place or fair, and such boards, with the bye-laws thereon, shall be renewed from time to time as occasion shall require, and shall be open to inspection without fee or reward; and in case the said clerk shall not permit the same to be inspected at all reasonable times he shall for every such offence be liable to a penalty not exceeding 5l.

XLVIII. All bye-laws made and confirmed according to the provisions of this and the special Act, when so published and put up, shall be binding upon and be observed by all parties, and shall be a sufficient warrant for all persons acting under the same.

XLIX. The production of a written or printed copy of the bye-laws requiring confirmation by the Court of Quarter Session or the sheriff, authenticated by the signature of the Judge or of the chairman of the court or the sheriff who shall have approved of the same, and requiring approval under the hand of one of Her Majesty's principal Secretaries of State, and a written or printed copy of the bye-laws not requiring such confirmation or approval, authenticated by the common seal of the undertakers if they be a body corporate, or under the hands of the undertakers if not incorporated, or any two of them, shall be evidence of the existence and making of such bye-laws in all cases of prosecution under the same, without proof of the signature of such Judge, chairman, or sheriff, or such Secretary of State, or the common seal or signature of the undertakers; and with respect to the proof of the publication of any such bye-laws, it shall be sufficient to prove that a painted board containing a copy thereof was put up and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged, that such board was replaced or restored as soon as conveniently might be, unless proof be adduced by the party complained against that such painted board did not contain a copy of such bye-laws, or was not duly put up or continued as directed by this Act.

And with respect to the receipts and expenditure of the undertakers, it is enacted,—

L. That the undertakers shall in every year cause an annual account in abstract to be prepared, shewing the whole receipt and expenditure of all rents and other monies levied by virtue of this or the special Act for the year ending the 31st of December, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited or certified by the chairman of the undertakers, and by the auditors, if any, and shall send a copy of the said account, free of charge, to the clerk of the peace in England and Ireland, and the sheriff clerk in Scotland, of the county in which the market or fair is situate, on or before the expiration of one month from the day on which such accounts shall end, which account shall be open to the inspection of the public at all seasonable hours, on payment of the sum of 1s. for every such inspection; and if the undertakers omit to prepare or send such account as aforesaid they shall forfeit for every such omission the sum of 20l.

And with respect to the tender of amends, it is enacted,—

LI. That if any person shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such person make tender of sufficient amends to the person injured, such last-mentioned person shall not recover in any such action; and if no such tender have been made the defendant may, by leave of the Court where such action is pending, at any time before issue joined, pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matters referred to Justices in England or Ireland, and to the sheriff or Justices in Scotland, it is enacted as follows:—

LII. If the market or fair be in England or Ireland the clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter

referred to Justices, shall be incorporated with this and the special Act; and if the market or fair be in Scotland the clauses of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to the sheriff or to Justices, shall be incorporated with this and the special Act; and such clauses shall apply to the market or fair and the undertakers respectively, and shall be construed as if the word "undertakers" had been inserted therein instead of the word "company."

LIII. Provided always, That in Ireland, in the case of any penalty imposed by Justices, where the application is not otherwise provided for, such Justices may award not more than one half of such penalty to the informer and shall award the remainder to the guardians of the poor of the union within which the offence shall have been committed, to be applied in aid of the poor rates of such union.

LIV. That nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's duties of Customs or Excise, or any other revenue of the crown, or to extend to or affect any claim of Her Majesty in right of her crown, or otherwise howsoever, or any proceedings at law or in equity by or on behalf of Her Majesty, in any part of the United Kingdom of Great Britain and Ireland.

LV. All things herein or in the special Act, or any Act incorporated therewith, authorized or required to be done by two Justices, may and shall be done in England and Ireland by any one magistrate having by law authority to act alone for any purpose with the powers of two or more Justices, and in Scotland by the sheriff or steward of any county, stewardry, or ward, or his substitute.

LVI. Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act, 2 & 3 Vict. c. 71, intituled 'An Act for regulating the Police Courts in the Metropolis;' and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal, and upon the same terms as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expenses as they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

LVII. Every person who upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

And with respect to access to the special Act, it is enacted as follows:—

LVIII. The undertakers shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them, and shall also within the space of such six months deposit in the office of the clerk of the peace of the county in England or Ireland, and in the office of the sheriff's clerk of the county in Scotland, in which the undertaking is situate, a copy of such special Act so printed as aforesaid; and the said clerk of the peace and sheriff clerk shall receive, and they and the undertakers respectively shall keep, the said copies of the special Act, and shall allow all persons interested therein to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled 'An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

LIX. If the undertakers fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

LX. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XV.

AN ACT for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Gasworks for supplying Towns with Gas.

(23rd April 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Extent of Act.*
2. *Interpretations in this Act; "special Act;" "prescribed;" "the lands;" "the undertaking;" "the undertakers."*

3. *Interpretations in this and the special Act; Number; gender; "person;" "lands;" "street;" "the gas-works;" "gas-rate;" "month;" "superior courts;" "oath;" "county;" "Justice;" "two Justices;" "sheriff;" "Quarter Sessions."*

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| Citing the Act. | { | 4. <i>Short title of the Act.</i> |
| | { | 5. <i>Form in which portions of this Act may be incorporated in other Acts.</i> |
| | { | 6. <i>Power to break up streets, &c. under superintendence, and to open drains.</i> |
| | { | 7. <i>Not to enter on private land without consent.</i> |
| Laying of Pipes. | { | 8. <i>Notice to be served on persons having controul, &c. before breaking up streets or opening drains.</i> |
| | { | 9. <i>Streets or drains not to be broken up except under superintendence of persons having controul of the same.—If persons having the controul, &c. fail to superintend, undertakers may perform the work without them.</i> |
| | { | 10. <i>Streets, &c. broken up to be reinstated without delay.</i> |
| | { | 11. <i>Penalty for delay in reinstating streets, &c.</i> |
| | { | 12. <i>In case of delay, other parties may reinstate and recover the expenses.</i> |
| Supply of Gas. | { | 13. <i>Power of the company to contract for lighting streets, &c.</i> |
| | { | 14. <i>Power to undertakers to let meters.—Meters not liable to distraint for rent, &c.</i> |
| | { | 15. <i>Undertakers may enter buildings for ascertaining quantities of gas consumed.</i> |
| | { | 16. <i>Recovery of rents due for gas.</i> |
| | { | 17. <i>Power to take away pipes, &c. when supply of gas discontinued.</i> |
| Undue Use of Gas. | { | 18. <i>Penalty for fraudulently using the gas of the undertakers.</i> |
| | { | 19. <i>Penalty for wilfully damaging pipes.</i> |
| | { | 20. <i>Satisfaction for accidentally damaging pipes.</i> |
| | { | 21. <i>Penalty on undertakers for causing water to be corrupted.</i> |
| | { | 22. <i>Penalty to be sued for in superior court within six months.</i> |
| | { | 23. <i>Daily penalty during the continuance of the offence.</i> |
| Nuisance from Gas. | { | 24. <i>Daily penalty during escape of gas after notice.</i> |
| | { | 25. <i>Penalty if water contaminated by gas.</i> |
| | { | 26. <i>Power to examine gas pipes to ascertain cause of contamination, if notice be given of the same.</i> |
| | { | 27. <i>Expenses to abide result of examination.</i> |
| | { | 28. <i>How expenses to be ascertained.</i> |
| | { | 29. <i>Nothing to exempt undertakers from being indicted for a nuisance.</i> |
| | { | 30. <i>Profits of the company limited.</i> |
| | { | 31. <i>If profits exceed the amount limited, excess to be invested and form a reserved fund.</i> |
| Profits of the Company. | { | 32. <i>Reserved fund not to be resorted to unless to meet an extraordinary claim.</i> |
| | { | 33. <i>When fund amounts to prescribed sum, interest to be applied to purposes of the undertaking.</i> |
| | { | 34. <i>If profits are less than the prescribed rate, a sum may be taken from the reserved fund to supply deficiency.</i> |
| | { | 35. <i>If profits are more than the amount prescribed, a rateable reduction to be made in the price of gas.</i> |
| | { | 36. <i>Court may order petitioner to pay costs of groundless petition.</i> |
| | { | 37. <i>Penalty on undertakers for refusing to produce books, vouchers, &c.</i> |
| | { | 38. <i>Annual account to be made up by undertakers, and sent to the clerk of the peace in England or Ireland, or to the sheriff clerk in Scotland, and to be open to inspection.</i> |
| | { | 39. <i>Tender of amends.</i> |
| | { | 40. <i>The Railways Clauses Consolidation Act, 1845, as to damages, &c., to be incorporated with this and the special Act.</i> |
| Recovery of Damages and Penalties. | { | 41. <i>In Ireland part of penalties to be paid to guardians of unions.</i> |
| | { | 42. <i>All things required to be done by two Justices in England and Ireland may, in certain cases, be done by one, and in Scotland, by the sheriff, &c.</i> |
| | { | 43. <i>Penalties, &c., imposed in respect of offences committed within the metropolitan police district, to be paid to the receiver, and applied under 2 & 3 Vict. c. 71.</i> |
| | { | 44. <i>Persons giving false evidence liable to penalties of perjury.</i> |
| Access to Special Act. | { | 45. <i>Copies of special Act to be kept by the undertakers in their office, and deposited with the clerks of the peace, &c., and be open to inspection.</i> |
| | { | 46. <i>Penalty on undertakers failing to keep or deposit such copies.</i> |
| | { | 47. <i>Undertakers not exempt from the provisions of 57 Geo. 3. c. xxix. or from the laws regulating sewers.</i> |
| | { | 48. <i>Nothing in this or the special Act to affect the rights of the Crown.</i> |
| | { | 49. <i>Undertakers not exempted from provisions of any future general Act.</i> |
| | { | 50. <i>Act may be amended, &c.</i> |

By this Act,

After reciting that it is expedient to comprise in one general Act sundry provisions usually contained in Acts of Parliament authorizing the construction of gasworks for supplying towns with gas, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves:—

It is Enacted,

I. That this Act shall extend only to such gasworks as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith, and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, with the clauses of every other Act which shall be incorporated therewith, form part of such Act, and be construed therewith as forming one Act.

And with respect to the construction of this Act and any Act incorporated therewith, it is enacted as follows:—

II. The expression "the special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed authorizing the construction of gas works, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used; and the expression "the lands" shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression "the undertaking" shall mean the gasworks and the works connected therewith by the special Act authorized to be constructed; and the expression "the undertakers" shall mean the persons by the special Act authorized to construct the gasworks.

III. The following words and expressions, in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include also the singular number:

Words importing the masculine gender shall include females:

The word "person" shall include corporation, whether aggregate or sole:

The word "lands" shall include messuages, lands, tenements, and hereditaments or heritages of any tenure:

The word "street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place within the limits of the special Act:

The expression "the gasworks" shall mean the gasworks and the works connected therewith by the special Act authorized to be constructed:

The expression "gas rate" shall include any rent, reward, or payment to be made to the undertakers for a supply of gas:

The word "month" shall mean calendar month:

The expression "superior courts," where the matter submitted to the cognizance of the superior courts arises in England or Ireland, shall mean Her Majesty's superior courts of record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the county palatine of Lancaster and the Court of Pleas of the county of Durham; and where such matter arises in Scotland it shall mean the Court of Session:

The word "oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath:

The word "county" shall include riding or other division of a county having a separate commission of the peace, and in Scotland stewardry, and any ward or other division of a county or stewardry having a separate sheriff; and it shall also include county of a city or county of a town:

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises; and where any matter shall be authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two or more Justices met and acting together:

The word "Sheriff" shall mean the sheriff depute of the county or ward of a county in Scotland, and the steward depute of the stewardry in Scotland in which the matter submitted to the cognizance of the sheriff arises, and shall include the substitutes of such sheriff depute and steward depute respectively:

The expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act; and if such expression be not there defined it shall mean the Court of General or Quarter Sessions of the Peace which shall be held at the place nearest to the gasworks, or the principal office thereof, for the county or place in which the gasworks are situate, or for some division of such county having a separate commission of the peace.

And with respect to citing this Act or any part thereof, it is enacted as follows:—

IV. In citing this Act in other Acts of Parliament, and in legal instruments, it shall be enough to use the expression "The Gasworks Clauses Act, 1847."

V. For the purpose of incorporating part only of this Act with any Act hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act, with the exception of the clauses so described, shall be incorporated with such Act, and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act; and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

And with respect to the breaking up of streets for the purpose of laying pipes, it is enacted as follows:—

VI. The undertakers, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges within the limits of the special Act, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service pipes, and other works, and from time to time repair, alter, or remove the same, and also make any sewers that may be necessary for carrying off the washings and waste liquids which may arise in the making of the gas, and for the purposes aforesaid.

said may remove and use all earth and materials in and under such streets and bridges, and they may in such streets erect any pillars, lamps, and other works, and do all other acts which the undertakers shall from time to time deem necessary for supplying gas to the inhabitants of the district included within the said limits, doing as little damage as may be in the execution of the powers hereby or by the special Act granted, and making compensation for any damage which may be done in the execution of such powers.

VII. Provided always, That nothing herein shall authorize or empower the undertakers to lay down or place any pipe or other works into, through, or against any building, or in any land, not dedicated to public use, without the consent of the owners and occupiers thereof; except that the undertakers may at any time enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this or the special Act or any other Act of Parliament, and may repair or alter any pipe so laid down.

VIII. Before the undertakers proceed to open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the persons under whose controul or management the same may be, or to their clerk, surveyor or other officer, notice in writing of their intention to open or break up the same, not less than three clear days before beginning such work, except in cases of emergency arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

IX. No such street, bridge, sewer, drain or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up except under the superintendence of the persons having the controul or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by two Justices; and such Justices may, on the application of the persons having the controul or management of any such sewer or drain, or their officer, require the undertakers to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: Provided always, that if the persons having such controul or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the undertakers' intention as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the undertakers may perform the work specified in such notice without the superintendence of such persons or their officer.

X. When the undertakers open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain, or tunnel, so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times, whilst any such road or pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and maintained against or near such road or pavement where the same shall be open or broken up, every night during which the same shall be continued open or broken up, and shall keep the road or pavement which has been so broken up in good repair for three months after replacing and making good the same, and for such further time, if any, not being more than twelve months in the whole as the soil so broken up shall continue to subside.

XI. If the undertakers open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid when so required, except in the cases in which the undertakers are hereby authorized to perform such works without any superintendence or notice, or if the undertakers make any delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, or tunnel, so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of three months next after the same is made good, or such further time as aforesaid, they shall forfeit to the persons having the controul or management of the street, bridge, sewer, drain, or tunnel, in respect of which such default is made, a sum not exceeding 5*l.* for every such offence, and they shall forfeit an additional sum of 5*l.* for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

XII. If any such delay or omission as aforesaid take place, the persons having the controul or management of the street, bridge, sewer, drain, or tunnel in respect of which such delay or omission shall take place, may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the undertakers; and such expenses may be recovered in the same manner as damages are recoverable under this or the special Act.

And with respect to the supply of gas, and the recovery of the rent to be paid for the same, it is enacted as follows:—

XIII. The undertakers may from time to time enter into any contract with any person for lighting or supplying with gas any public or private building, or for providing any person with pipes, burners, meters, and lamps, and for the repair thereof; and may also from time to time enter into any contract with the commissioners, trustees, or other persons having the controul of the streets within the limits of the special Act for lighting the same or any of them with gas, and for providing such commissioners, trustees, or persons with lamps, lamp-posts, burners, and pipes for such purpose, and for the repairs thereof, in such manner and upon such terms as shall be agreed upon between the undertakers and the said commissioners, trustees, or other persons.

XIV. The undertakers may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings for the gas, for such remuneration in money as shall be agreed upon between the undertakers and any person to whom the same may be so let, and such remuneration shall be recoverable in the same manner as the rents or sums due to the undertakers for gas, and such meters and fittings shall not be subject to distress or to the landlord's hypothec for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law or equity, or any fiat or sequestration in bankruptcy against the person in whose possession the same may be.

xv. The clerk, engineer, or other officer duly appointed for the purpose by the undertakers may at all reasonable times enter any building or place lighted with gas, supplied by the undertakers, in order to inspect the meters, fittings, and works for regulating the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied; and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall for every such offence forfeit to the undertakers a sum not exceeding 5*l*.

xvi. If any person supplied with gas by virtue of this or the special Act neglect to pay the rent due for the same to the undertakers, the undertakers may stop the gas from entering the premises of such person, by cutting off the service pipe, or by such means as the undertakers shall think fit, and recover the rent due from such person, if less than 20*l*., together with the expense of cutting off the gas, and the costs of recovering the rent, in the same manner as any damages for the recovery of which no special provision is made are recoverable under this or the special Act, or if the rent so due amount to 20*l*. or upwards, the undertakers may recover the same, together with the expenses of cutting off the gas, by action in any court of competent jurisdiction.

xvii. In all cases in which the undertakers are authorized to cut off and take away the supply of gas from any house or building or premises, under the provisions of this or the special Act, the undertakers, their agents or workmen, after giving twenty-four hours' previous notice to the occupier, may enter into any such house, building, or premises, between the hours of nine in the forenoon and four in the afternoon, and remove and carry away any pipe, meter, fittings, or other works the property of the undertakers.

And with respect to waste or misuse of the gas, or injury to the pipes and other works, it is enacted as follows:—

xviii. Every person who shall lay or cause to be laid any pipe to communicate with any pipe belonging to the undertakers without their consent, or shall fraudulently injure any such meter as aforesaid, or who, in case the gas supplied by the undertakers is not ascertained by meter, shall use any burner other than such as has been provided or approved of by the undertakers, or of larger dimensions than he has contracted to pay for, or shall keep the lights burning for a longer time than he has contracted to pay for, or who shall otherwise improperly use or burn such gas, or shall supply any other person with any part of the gas supplied to him by the undertakers, shall forfeit to the undertakers the sum of 5*l*. for every such offence, and also the sum of 40*s*. for every day such pipe shall so remain, or such works or burner shall be so used, or such excess be so committed or continued, or such supply furnished; and the undertakers may take off the gas from the house and premises of the person so offending, notwithstanding any contract which may have been previously entered into.

xix. Every person who shall wilfully remove, destroy, or damage any pipe, pillar, post, plug, lamp, or other work of the undertakers for supplying gas, or who shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the gas supplied by the undertakers, shall for each such offence forfeit to the undertakers any sum not exceeding 5*l*. in addition to the amount of the damage done.

xx. Every person who shall carelessly or accidentally break, throw down, or damage any pipe, pillar, or lamp belonging to the undertakers, or under their controul, shall pay such sum of money by way of satisfaction to the undertakers for the damage done, not exceeding 5*l*. as any two Justices or the sheriff shall think reasonable.

And with respect to the provision for guarding against fouling water, or other nuisance from the gas, it is enacted as follows:—

xxi. If the undertakers shall at any time cause or suffer to be brought or to flow into any stream, reservoir, or aqueduct, pond or place for water, or into any drain communicating therewith, any washing or other substance produced in making or supplying gas, or shall wilfully do any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, pond or place for water shall be fouled, the undertakers shall forfeit for every such offence the sum of 200*l*.

xxii. The said penalty of 200*l*. shall be recovered, with full costs of suit, in any of the superior courts, by the person into whose water such washing or other substance shall be conveyed or shall flow, or whose water shall be fouled by any such act as aforesaid; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it shall have ceased.

xxiii. In addition to the said penalty of 200*l*. (and whether such penalty shall have been recovered or not) the undertakers shall forfeit the sum of 20*l*. (to be recovered in the like manner) for each day during which such washing or other substance shall be brought or shall flow as aforesaid, or the act by which such water shall be fouled shall continue after the expiration of twenty-four hours from the time when notice of the offence shall have been served on the undertakers by the person into whose water such washing or other substance shall be brought or shall flow, or whose water shall be fouled thereby, and such penalty shall be paid to such last-mentioned person.

xxiv. Whenever any gas shall escape from any pipe laid down or set up by or belonging to the undertakers, they shall, immediately after receiving notice thereof in writing, prevent such gas from escaping; and in case the undertakers shall not within twenty-four hours next after service of such notice effectually prevent the gas from escaping, and wholly remove the cause of complaint, they shall for every such offence forfeit the sum of 5*l*. for each day during which the gas shall be suffered to escape after the expiration of twenty-four hours from the service of such notice.

xxv. Whenever any water within the limits of the special Act shall be fouled by the gas of the undertakers, they shall forfeit to the person whose water shall be so fouled for every such offence a sum not exceeding 20*l*. and a further sum not exceeding 10*l*. for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence.

xxvi. For the purpose of ascertaining whether such water be fouled by the gas of the undertakers the person to whom the water supposed to be fouled shall belong may dig up the ground and examine the pipes, conduits, and works of the under-

takers; provided that such person, before proceeding so to dig and examine, shall give twenty-four hours' notice in writing to the undertakers of the time at which such digging and examination is intended to take place, and shall give the like notice to the persons having the controul or management of the road, pavement, or place where such digging is to take place; and they shall be subject to the like obligation of reinstating the said road and pavement, and the same penalties for delay or any nonfeasance or misfeasance therein, as are hereinbefore provided with respect to roads and pavements broken up by the undertakers for the purpose of laying their pipes.

XXVII. If, upon any such examination, it appear that such water has been fouled by any gas belonging to the undertakers, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the undertakers; but if upon such examination it appear that the water has not been fouled by the gas of the undertakers, the person causing such examination to be made shall pay all such expenses, and shall also make good to the undertakers any injury which may be occasioned to their works by such examination.

XXVIII. The amount of the expenses of every such examination and repair, and of any injury done to the undertakers, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the same manner as damages for the ascertaining and recovery whereof no special provision is made are to be ascertained and recovered.

XXIX. Nothing in this or the special Act contained shall prevent the undertakers from being liable to an indictment for nuisance, or to any other legal proceeding to which they may be liable, in consequence of making or supplying gas.

And with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit, it is enacted as follows:—

XXX. The profits of the undertaking to be divided amongst the undertakers in any year shall not exceed the prescribed rate, or where no rate is prescribed they shall not exceed the rate of 10*l.* in the 100*l.* by the year on the paid-up capital in the undertaking, which in such case shall be deemed the prescribed rate, unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate.

XXXI. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient, after making up the deficiency in the dividends of any previous year as aforesaid, to make a dividend at the prescribed rate, the excess beyond the sum necessary for such purpose shall from time to time be invested in government or other securities; and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to the prescribed sum, or if no sum be prescribed a sum equal to one-tenth of the nominal capital of the undertakers, which sum shall form a reserved fund to answer any deficiency which may at any time happen in the amount of divisible profits, or to meet any extraordinary claim or demand which may at any time arise against the undertakers; and if such fund be at any time reduced, it may thereafter be again restored to the said sum, and so from time to time so often as such reduction shall happen.

XXXII. Provided always, That no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim, unless it be first certified in England or Ireland by two Justices, and in Scotland by the sheriff, that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim within the meaning of this or the special Act.

XXXIII. When such fund shall, by accumulation or otherwise, amount to the prescribed sum, or one-tenth of the nominal capital of the company, as the case may be, the interest and dividends thereon shall no longer be invested, but shall be applied to any of the general purposes of the undertaking to which the profits thereof are applicable.

XXXIV. If in any year the profits of the undertaking divisible amongst the undertakers shall not amount to the prescribed rate, such a sum may be taken from the reserved fund as, with the actual divisible profits of such year, will enable the undertakers to make a dividend of the amount aforesaid, and as from time to time so often as the occasion shall require.

XXXV. In England or Ireland the Court of Quarter Sessions, and in Scotland the sheriff, may, on the petition of any two gas rate-payers within the limits of the special Act, nominate and appoint some accountant or other competent person, not being a proprietor of any gasworks, to examine and ascertain, at the expense of the undertakers (the amount of such expense to be determined by the said Court or sheriff), the actual state and condition of the concerns of the undertakers, and to make report thereof to the said Court at the then present or some following sessions or to the sheriff; and the said Court or sheriff may examine any witnesses upon oath touching the truth of the said accounts and the matters therein referred to; and if it thereupon appear to the said Court or sheriff that the profits of the undertakers for the preceding year have exceeded the prescribed rate, the undertakers shall, in case the whole of the said reserved fund has been and then remains invested as aforesaid, and in case dividends to the amount hereinbefore limited have been paid, make such a rateable reduction in the rate for gas to be furnished by them as in the judgment of the said Court or sheriff shall be proper, but so as such rates, when reduced, shall insure to the undertakers (regard being had to the amount of profit before received) a profit as near as may be to the prescribed rate.

XXXVI. Provided always, That if, in the case of any petition so presented, it appear to the said Court or sheriff that there was no sufficient ground for presenting the same, the said Court or sheriff may, if they or he think fit, order the petitioner to pay the whole or any part of the costs of or incident to such petition (the amount thereof to be determined by the said court or sheriff), and the costs so ordered to be paid shall be recoverable in the same way as damages are recoverable under this or the special Act.

XXXVII. If the undertakers shall, for seven days after being required to produce to the said Court or sheriff, or to the said accountant or other person as aforesaid, any books of account or other books, bills, receipts, vouchers, or papers relating to the pecuniary affairs of the undertakers, refuse or neglect to produce such books, bills, receipts, vouchers, or papers, they

shall forfeit the sum of 100*l.* for every such refusal or wilful neglect, and the further sum of 10*l.* for every day such refusal or wilful neglect shall continue after the expiration of the said seven days, such respective penalties to be recovered by any person who will sue for the same, with full costs of suit, in any of the superior courts.

And with respect to the yearly receipt and expenditure of the undertakers, it is enacted,—

xxxviii. That the undertakers shall, in each year after they have begun to supply gas under the provisions of this or the special Act, cause an account in abstract to be prepared of the total receipts and expenditure of all rents or funds levied under the powers of this or the special Act for the year preceding, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the chairman of the undertakers, and also by the auditors thereof, if any; and a copy of such annual account, if the gasworks be situated in England or Ireland, shall be transmitted, free of charge, to the clerk of the peace for the county in which the gasworks are situate, and if the gasworks be situated in Scotland, such copy shall be transmitted, free of charge as aforesaid, to the sheriff clerk of such county, and such transmission shall be made on or before the 31st of January in each year, under a penalty of 20*l.* for each default; and the copy of such account so sent to the said clerk of the peace or sheriff clerk shall be kept by him, and shall be open to inspection by all persons at all seasonable hours, on payment of 1*s.* for each inspection.

And with respect to tender of amends, it is enacted,—

xxxix. That if any person shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such person make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender have been made the defendant may, by leave of the Court where such action is pending, at any time before issue joined, pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices or to the sheriff, it is enacted as follows:—

xl. If the gasworks be in England or Ireland, the clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages, not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, shall be incorporated with this and the special Act; and if the gasworks be in Scotland, the clauses of the Railways Clauses Consolidation Act (Scotland), 1845, with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff or to Justices, shall be incorporated with this and the special Act, and such clauses shall apply to the gasworks and to the undertakers respectively, and shall be construed as if the word “undertakers” had been inserted therein instead of the word “company.”

xli. Provided always, That in Ireland, in the case of any penalty imposed by Justices, where the application is not otherwise provided for, such Justices may award not more than one-half of such penalty to the informer, and shall award the remainder to the guardians of the poor of the union within which the offence shall have been committed, to be applied in aid of the poor-rates of such union.

xlii. All things herein, or in the special Act or any Act incorporated therewith, authorized or required to be done by two Justices, may and shall be done in England and Ireland by any one magistrate having by law authority to act alone for any purpose with the powers of two or more Justices, and in Scotland by the sheriff or steward of any county, stewardry, or ward, or his substitute.

xliii. Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables are directed to be recovered, enforced, accounted for, paid, and applied by an Act, 2 & 3 Vict. c. 71, intitled ‘An Act for regulating the Police Courts in the Metropolis;’ and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal, and upon the same terms, as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined; and such witnesses shall be entitled to the same allowance of expenses as they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

xliv. Every person who, upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

And with respect to access to the special Act, it is enacted as follows:—

xlv. The undertakers shall at all times, after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them, and shall also within the space of such six months deposit in the office of the clerk of the peace in England or Ireland, and of the sheriff clerk in Scotland, of the county in which the undertaking is situated, a copy of such special Act, so printed as aforesaid; and the said clerk of the peace and sheriff clerk shall receive, and they and the undertakers respectively shall keep, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans

and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled 'An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

XLVI. If the undertakers fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

XLVII. That nothing in this Act contained shall be deemed to exempt the undertakers from the provisions of an Act, 57 Geo. 3. c. xxix. intituled, 'An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein,' or from the laws of sewers for the time being in force within ten miles from the Royal Exchange in the city of London.

XLVIII. That nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's duties of Customs or Excise, or any other revenue of the Crown, or to extend to or affect any claim of Her Majesty in right of her Crown or otherwise howsoever, or any proceedings at law or in equity, by or on behalf of Her Majesty, in any part of the United Kingdom of Great Britain and Ireland.

XLIX. That nothing herein or in the special Act contained shall be deemed to exempt the undertakers from any general Act relating to gasworks, or any Act for improving the sanatory condition of towns and populous districts, which may be passed in the same session in which the special Act is passed, or any future session of Parliament.

L. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XVI.

AN ACT for consolidating in One Act certain Provisions usually contained in Acts with respect to the Constitution and Regulation of Bodies of Commissioners appointed for carrying on Undertakings of a public Nature.

(23rd April 1847.)

ABSTRACT OF THE ENACTMENTS.

1. Extent of Act.
2. Interpretations in this Act:—"the Special Act;" "prescribed;" "the undertaking;" "the Commissioners."
3. Interpretations in this and the special Act:—Number; gender; "person;" "lands;" "month;" "superior courts;" "oath;" "county;" "Justice;" "two Justices;" "sheriff;" "Quarter Sessions;" "clerk;" "the town."
4. Short title of this Act.
5. Form in which portions of this Act may be incorporated with other Acts.
6. Joint owners or occupiers when qualified eligible as Commissioners.
7. Same property not to give two qualifications.
8. No bankrupt or insolvent to be a Commissioner.
9. No person holding office or concerned in a contract to be a Commissioner.
10. Shareholders in companies established by Act of Parliament not disqualified by reason of contracts.
11. Commissioner not incapable of acting as a Justice.
12. Declaration to be made by Commissioners before acting.
13. False declaration a misdemeanour.
14. Declaration to be taken at the first meeting.
15. Penalty on Commissioners, not being qualified, acting.
16. Commissioner neglecting to act to cease to be one.
17. One-third of Commissioners elected by rate-payers and owners to go out of office every three years.
18. Commissioners eligible to be re-elected.
19. Mode of supplying occasional vacancies.
20. Manner of making the rotation list.
21. Annual meeting for election of Commissioners.
22. Returning officer at elections.
23. Returning officer to appoint poll-clerks.
24. Scale of votes of owners and occupiers.
25. Electors to vote in ward where their property qualification is situate, but not to vote for more than one ward.
26. Commissioners may cause alphabetical list of voters to be made, and may defray the expense out of the rates.
27. Returning officer may summon rate collector, &c. to attend the election.—Penalty on rate collector, &c. for neglect.
28. Mode of voting at elections.

Commissioners.

Election and Rotation
of Commissioners.

*Election and Rotation
of Commissioners.*

29. Poll may be closed if no voting paper be tendered for one hour.
30. Returning officer to examine poll-books and declare the poll.
31. Voting papers to be open to inspection for six months after each election.
32. Manner of proceeding if any person is elected a Commissioner in more than one ward.
33. If no election on day appointed, it may be made on a subsequent day.
34. Election not to be void for want of title in presiding officer.
35. Expenses of presiding officer to be paid out of rates levied.

*Meetings of Commis-
sioners.*

36. First meeting of the Commissioners.
37. Election of chairmen of meetings.
38. Manner of voting.
39. Quorum of Commissioners.
40. Commissioners to hold annual and monthly meetings.
41. Meetings of Commissioners may be adjourned from time to time.
42. Monthly meetings shall be held for transacting the ordinary business under this and the special Act.
43. No extraordinary business shall be transacted at monthly meetings unless notice be given.
44. No resolution of Commissioners to be revoked at a subsequent meeting unless under certain circumstances.
45. As to the holding of special meetings.
46. Notice to be given of things to be done by the Commissioners by special order only.
47. How notices of meetings of Commissioners are to be given.
48. Expenses of Meetings.
49. Power to Commissioners to appoint committees.
50. Quorum of committees.
51. Acts of the Commissioners not to be invalidated by reason of vacancies.
52. Informalities in appointment of Commissioners not to invalidate proceedings.
53. Commissioners may provide public offices, &c.
54. Commissioners to provide daily attendance at their office to receive notices, &c.
55. Proceedings to be entered in a book, and when signed, shall be received in evidence.—Such books to be open to inspection.

Contracts.

56. Power to Commissioners to enter into contracts.
57. Notice to be given of contracts to the amount of 100*l.* or upwards.
58. Commissioners may compound for breach of contract.
59. As to the conveyance of lands by the Commissioners.—Receipt under seal to be a sufficient discharge.
60. Commissioners not to be personally liable for acts done in the capacity of a Commissioner.—Commissioners to be indemnified for acts done in the execution of their office.

Legal Proceedings.

61. Actions or suits to be brought in the name of any two Commissioners or their clerk.
62. Executions to be levied on the goods belonging to Commissioners by virtue of their office only.
63. Commissioners and clerk to be reimbursed all damages, &c.
64. How indictments to be preferred.

Officers.

65. Power to Commissioners to appoint clerk and other officers, and remove them from time to time.
66. Offices of clerk and treasurer not to be held by the same person.
67. Officer taking fees other than those allowed to lose his office, and forfeit 50*l.*
68. Security to be taken from all officers intrusted with money.
69. Collectors to pay over monies within seven days to the treasurer.
70. Officers to account.
71. Summary recovery against parties failing to account.
72. Officers refusing to make out account and deliver up documents, &c. may be committed to prison.
73. Where officer about to abscond, a warrant may be issued in the first instance.
74. Proceedings against officers not to discharge sureties.

Mortgages.

75. Form of mortgage.
76. Registers of mortgages to be kept and to be open to inspection.
77. Transfers of mortgages.
78. Register of transfers to be kept.
79. Interest on mortgages to be paid half-yearly.
80. Power to borrow money at a lower rate of interest to pay off securities at a higher rate.
81. Repayment of money borrowed at a time and place agreed upon.
82. Repayment of money borrowed when no time or place has been agreed upon.
83. Interest to cease on expiration of notice to pay off a mortgage debt.
84. Monies borrowed on security of rates to be paid off in a limited period.
85. Mode of paying off mortgages.
86. Arrears of interest, when to be enforced by appointment of a receiver.—Arrears of principal and interest.

Accounts.

87. As to the appointment of receiver.
88. Account books to be open to the inspection of mortgagees.
89. Accounts to be kept of receipts and disbursements, which shall be open for inspection.—Penalty for refusal.
90. Statement of accounts to be prepared and to be open for inspection.—Copies of such statement to be furnished.

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| <i>Accounts.</i> | 91. Accounts to be examined and settled at the annual meeting. |
| | 92. Auditors to be appointed.—Qualifications of auditors. |
| | 93. Auditors to inspect accounts, and may appeal against part of the same if they think fit. |
| | 94. The Court may order payment of the costs of the appeal. |
| <i>Bye-Laws.</i> | 95. Annual account to be made up and transmitted to the clerk of the peace in England or Ireland, or to the sheriff clerk in Scotland, and to be open to inspection. |
| | 96. Power to make bye-laws for regulating the conduct of the officers, &c. of the Commissioners. |
| | 97. Fines for breach of such bye-laws. |
| | 98. Bye-laws to be so framed as that penalties may be mitigated. |
| <i>Notices.</i> | 99. Service of notices upon Commissioners. |
| | 100. Notices by advertisement. |
| | 101. Authentication of notices and orders. |
| | 102. Proof of debts in bankruptcy. |
| <i>Recovery of Damages and Penalties.</i> | 103. Tender of amends. |
| | 104. Railways Clauses Consolidation Acts, 1845, as to damages, &c. to be incorporated with this and the special Act. |
| | 105. All things required to be done by two Justices in England and Ireland may, in certain cases, be done by one, and in Scotland by the sheriff, &c. |
| | 106. Penalties, &c. imposed in respect of any offence committed within the metropolitan police district to be paid to the receiver, and applied under 2 & 3 Vict. c. 71. |
| <i>Access to Special Act.</i> | 107. In Ireland part of penalties to be paid to guardians of unions. |
| | 108. Persons giving false evidence liable to penalties of perjury. |
| | 109. Nothing in this or the special Act to affect the rights of the Crown. |
| | 110. Copies of special Act to be kept by Commissioners at their office, and deposited with the clerks of the peace, &c. and to be open to inspection. |
| | 111. Penalty on Commissioners failing to keep or deposit such copies. |
| | 112. Act may be amended, &c. |

By this Act,

After reciting that it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament authorizing the execution of undertakings of a public nature by bodies of commissioners, trustees or other persons, not being joint-stock companies, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves.

It is Enacted,

1. That this Act shall extend only to such undertakings or Commissioners as shall be authorized or constituted by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith; and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Commissioners constituted by such Act and to the undertaking for carrying on which such Commissioners shall be constituted, so far as the same shall be applicable thereto respectively; and such clauses, with the clauses of every other Act which shall be incorporated therewith, shall, save as aforesaid, form part of such Act, and be construed therewith as forming one Act.

And with respect to the construction of this Act, and any Act incorporated therewith, it is enacted as follows:—

11. The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed, constituting a body of Commissioners as hereinafter defined for the purpose of carrying on any undertaking, and with which this Act shall be incorporated; and the word “prescribed” used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word occurs shall be construed as if, instead of the word “prescribed” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the undertaking” shall mean the undertaking or works, of whatever nature, which shall by the special Act be authorized to be executed or carried on; and the expression “the Commissioners” shall mean the commissioners, trustees, undertakers or other persons or body corporate constituted by the special Act, or thereby intrusted with powers for executing the undertaking.

111. The following words and expressions both in this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word “person” shall include a corporation, whether aggregate or sole:

The word “lands” shall extend to messuages, lands, tenements, and hereditaments or heritages of any tenure:

The word “month” shall mean calendar month:

The expression “superior courts,” where the matter submitted to the cognizance of the Court arises in England or Ireland, shall mean Her Majesty’s superior courts of record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the County Palatine of Lancaster, and the Court of Pleas of the county of Durham; and where such matter arises in Scotland shall mean the Court of Session:

The word "oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath:

The word "county" shall include riding or other division of a county having a separate commission of the peace, and in Scotland stewartry, and any ward or other division of a county or stewartry having a separate sheriff, and it shall also include county of a city or county of a town:

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two or more Justices met and acting together:

The word "sheriff" shall mean the sheriff depute of the county or ward of a county in Scotland and the steward depute of the stewartry in Scotland in which any matter submitted to the cognizance of the sheriff arises, and shall include the substitutes of such sheriff depute and steward depute respectively:

The expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act; and if such expression be not there defined, it shall mean the General or Quarter Sessions of the Peace which shall be held at the place nearest to the undertaking for the county or place in which the undertaking, or the principal office thereof, is situate, or for some division of such county having a separate commission of the peace:

The expression "the clerk" shall mean the clerk of the Commissioners, and shall include the word "secretary":

The expression "the town" shall mean the town or district named in the special Act within which the powers of the Commissioners are to be exercised.

And with respect to citing this Act or any part thereof, it is enacted as follows:—

iv. In citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression "The Commissioners Clauses Act, 1847."

v. For the purpose of incorporating part only of this Act with any Act of Parliament hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act, with the exception of the clauses so described, shall be incorporated with such Act; and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

With respect to the qualification of Commissioners, it is enacted as follows:—

vi. Where by the special Act the qualification of the Commissioners is made to depend upon their being rated in respect of property of a given amount, then if two or more persons be jointly rated in respect of any property, each of such persons shall, subject to the provisions herein and in the special Act contained, be eligible to be chosen a Commissioner, provided the property in respect of which such persons are rated be of a rateable yearly value, which, when divided by the number of persons so rated, will give to each a sufficient rateable yearly value according to the provisions of this and the special Act.

vii. The same property shall not at the same time give a qualification as Commissioner to one person as the owner, and to another as the occupier thereof.

viii. No bankrupt or insolvent or person not qualified as required by the special Act, shall be capable of being or continuing a Commissioner.

ix. Any person who at any time after his appointment or election as a Commissioner shall accept or continue to hold any office or place of profit under the special Act, or be concerned or participate in any manner in any contract, or in the profit thereof, or of any work to be done under the authority of such Act, shall thenceforth cease to be a Commissioner, and his office shall thereupon become vacant.

x. Provided always, That no person being a shareholder or member of any joint-stock company established by Act of Parliament shall be prevented from acting as a Commissioner by reason of any contract entered into between such company and the Commissioners; but no such Commissioner, being a member of such company, shall vote on any question relating to the execution of this or the special Act in which such company is interested.

xi. A person shall not be incapable of acting as a Justice of the Peace in the execution of this or the special Act, with reference to the levying of any penalty thereunder, by reason of his being a Commissioner.

xii. No person shall be capable of acting as a Commissioner, except in administering the declaration hereinafter mentioned, until he shall have made and signed, before one of the Commissioners, a declaration to the effect following:—

'I A. B. do solemnly declare, That I will faithfully and impartially, according to the best of my skill and judgment, execute 'all the powers and authorities reposed in me as a Commissioner, by virtue of the [here name the special Act], and also that I [here set forth a Statement of the Possession of the Qualification required by the special Act in the Terms thereof].'

xiii. Any person who shall falsely or corruptly make and subscribe the declaration aforesaid, knowing the same to be untrue in any material particular, shall be deemed guilty of a misdemeanor, or in Scotland shall be deemed guilty of perjury.

xiv. Every person elected or appointed a Commissioner shall, at the meeting of Commissioners at which he first attends as a Commissioner, make and subscribe the declaration herein required, and any Commissioner, whether he himself have made such declaration or not, may administer such declaration.

xv. Every person who shall act as a Commissioner, being incapacitated or not duly qualified to act, or before he has made or subscribed such declaration as aforesaid, or after having become disqualified, shall for every such offence be liable to a

penalty of 50*l*.; and such penalty may be recovered by any person, with full costs of suit, in any of the superior courts; and in every such action the person sued shall prove that at the time of so acting he was qualified, and had made and subscribed the declaration aforesaid, or shall pay the said penalty and costs without any other evidence being required from the plaintiff than that such person had acted as a Commissioner in the execution of this or the special Act; nevertheless all acts as a Commissioner of any person incapacitated, or not duly qualified, or not having made or subscribed the declaration aforesaid, done previously to the recovery of the penalty, shall be as valid as if such person had been duly qualified.

XVI. Every Commissioner who for the space of six months after his appointment neglects to make and subscribe the declaration hereinbefore required, or who for six months in succession is absent from all meetings of the Commissioners, and to act in the execution of this and the special Act, shall be deemed to have refused to act, and shall cease to be a Commissioner.

And with respect to the election and rotation of the Commissioners, where the Commissioners are to be elected by the rate-payers or other like class of electors, it is enacted as follows:—

XVII. Where by the special Act it is provided that the Commissioners shall be elected by the rate-payers within the town, or other like class of electors, the first body of Commissioners, whether appointed by the special Act, or elected under the provisions of this and the special Act, shall go out of office according to the prescribed rotation, and at the prescribed times, and where no rotation or time of going out of office is prescribed they shall go out of office by rotation in the following manner, (that is to say), on the first Thursday in the month of September in the year following that in which the special Act is passed one-third of such body of Commissioners shall go out of office, and on the first Thursday in September in the following year another third of such body of Commissioners shall go out of office, and on the first Thursday in September in the year following the remainder of such body of Commissioners shall go out of office, and on the first Thursday in the month of September in every subsequent year one-third of the Commissioners, being those who have been longest in office, shall go out of office; and in each instance the places of the retiring Commissioners shall be supplied by the election of a like number of Commissioners in the manner herein or in the special Act provided: Provided always, that if the prescribed number of Commissioners be some number not divisible by three, and the number of Commissioners to retire be not prescribed, the Commissioners shall in each case determine what number of Commissioners, as nearly one-third as may be, shall go out of office, so that no Commissioner shall remain in office longer than three years without being re-elected.

XVIII. Every Commissioner going out of office by rotation, or otherwise ceasing to be a Commissioner, may be re-elected, and after such re-election he shall, with reference to going out by rotation, be considered as a new Commissioner.

XIX. If any of the Commissioners die or resign, or be disqualified, or cease to be a Commissioner from any other cause than that of going out of office by rotation the remaining Commissioners, if they think fit, may, within one month from the happening of such vacancy, elect another Commissioner in his place; and every Commissioner so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office.

XX. In order to determine the rotation by which such first body of Commissioners shall go out of office, the Commissioners shall within one month after the passing of the special Act (or after the first election of Commissioners, as the case may be) meet at some convenient place for the purpose of forming a rotation list; and at such meeting the clerk, or some person to be then appointed for that purpose by the Commissioners, shall write the names of all the Commissioners on separate slips of paper, all as nearly as may be of equal size, and having folded them up in the same manner he shall put them into a balloting box, and shall, in the presence of the meeting, draw out such slips of paper in succession, and the names upon the slips so drawn shall be written by the clerk or other person in a list, in the order in which they are drawn, or where the Commissioners are elected for wards or other electoral divisions of the town (and which electoral divisions are hereinafter called wards) in as many lists as there are wards or electoral divisions, and in the order aforesaid, each list containing the names of the Commissioners for one such ward or electoral division only, and every such list shall be kept by the clerk among the papers of the Commissioners, and the names therein shall be numbered consecutively, and the Commissioners shall retire from office in the order in which their names appear on such list or lists, as the case may be, in the proportions hereinbefore or in the special Act mentioned.

XXI. For the purpose of electing Commissioners from time to time in the place of those who go out by rotation, a meeting of the persons entitled to vote at such election shall be held at the prescribed place, and if no place be prescribed at the principal office of the Commissioners, on the prescribed day, or if no day be prescribed on the first Thursday in the month of September in the year following that in which the special Act is passed, and on the first Thursday in September in each succeeding year, or if the Commissioners are to be elected for wards, a meeting of the persons entitled to vote in each ward shall on the same day be held at some place to be appointed by the Commissioners, of which meetings, and the time and place of holding the same, public notice shall be given by the clerk by advertisement, and also by placards affixed on the principal doors of the parish churches or other public places in the town seven clear days at the least before the day of election, and at such meeting or meetings the election of Commissioners shall take place as hereinafter mentioned.

XXII. Where the appointment of the returning officer to act at the election of Commissioners is not provided for by the special Act, the chairman of the Commissioners shall be the returning officer; and if the Commissioners are to be elected for wards, the said chairman shall act as the presiding officer at the election for the ward for which he was elected a Commissioner, and he shall appoint some other Commissioner for each of the other wards to be the presiding officer at the election for such ward, and in case of the death of any such presiding officer, or of his declining or becoming incapable to act, the Commissioners shall appoint another of their body to be the presiding officer in the place of the person so dying or declining, or becoming incapable to act, and the clerk to the Commissioners shall, two days at least before each election, by advertisement, placards, or otherwise, give public notice of every such appointment.

XXIII. At every such election of Commissioners the Commissioners shall cause to be printed a sufficient number of voting papers in blank, in the form given in the Schedule (A.) to this Act annexed, or to the like effect, and shall furnish them to the returning officer for the use of the voters; and if it appear to the returning officer at any election expedient so to do, he may cause booths to be erected, or rooms to be hired and used as booths, for taking the poll at such election, and he shall in such case appoint a clerk to take the poll at each booth, and shall cause to be affixed on the most conspicuous part thereof the name of the ward or district for which such booth is provided; and public notice of every election, and of the situation of the different polling-places, and of the place where voting papers may be procured by electors, shall be given by the returning officer two days at least before the commencement of the poll.

XXIV. Where by the special Act the owners of property and rate-payers are entitled to vote in the election of Commissioners, and no scale of voting is prescribed, every such owner and rate-payer shall have respectively the same number and proportion of votes according to the scale following; (that is to say,)

If the property in respect of which he is entitled to vote be rated upon a rateable value of less than 50*l*., he shall have one vote:

If such rateable value amount to 50*l*. and be less than 100*l*., he shall have two votes:

If it amount to 100*l*. and be less than 150*l*., he shall have three votes:

If it amount to 150*l*. and be less than 200*l*., he shall have four votes:

If it amount to 200*l*. and be less than 250*l*., he shall have five votes:

And if it amount to or exceed 250*l*., he shall have six votes.

XXV. Where by the special Act, the Commissioners are directed to be elected for wards, every person entitled to vote in the election of Commissioners shall vote for Commissioners for that ward only wherein the property or part thereof in respect of which his name appears in the rate-book is situate; and if any person be rated in respect of property situate in more than one ward, he may vote for Commissioners for any one of such wards, but having so voted he shall not afterwards, at the same election, vote for a Commissioner for any other ward; and any vote so afterwards given by him shall be void.

XXVI. Before any such election of Commissioners the Commissioners, if they think it necessary for enabling the returning officer to take the poll conveniently at such election, may cause an alphabetical list to be made out of the names of the persons entitled to vote at such election as they appear in the rates made for the purposes of the special Act, and they shall deliver to the returning officer for the time being a sufficient number of copies of the list so prepared, to enable the returning officer to take the poll at the election, and they may defray the expense of making such list and copies out of the rates payable to them under the special Act.

XXVII. If the qualification of the electors of the Commissioners depend upon the rates payable by such electors, the returning officer may summon the overseers or inspectors of the poor, collectors and other officers employed in the assessment or collection of the rates, to attend the election in order to assist in ascertaining that the persons presenting themselves to vote, or who have voted, are or were duly qualified to vote at such election; and such overseers or inspectors, rate collectors, or other officers shall attend with the rates and such other documents necessary for the purpose aforesaid as may be in their custody or power, at such places and at such times as the returning officer may direct, and shall answer all such questions as any presiding officer at the poll shall put to them respecting the title of any person to vote at the election; and any overseer or inspector, rate collector, or other officer who shall wilfully neglect or fail to perform the duties hereby imposed upon him, shall for such neglect or failure be liable to a penalty not exceeding 20*l*.

XXVIII. At every such election of Commissioners the voting shall commence at nine of the clock in the forenoon of the day fixed for the election as aforesaid, and shall finally close at four of the clock in the afternoon of the same day (unless in case of riot or obstruction), and shall be conducted in manner following; (that is to say,) every person entitled to vote may vote for any number of persons having the prescribed qualification (not exceeding the number of Commissioners then to be chosen for the town, or where the Commissioners are to be elected in wards not exceeding the number to be elected for the ward in which such person is entitled to vote) by delivering to the presiding officer at the poll a voting paper, containing a description of his qualification to vote, in the form contained in Schedule (A.) to this Act annexed, or to the like effect, and also the names of the persons for whom he votes, such paper being previously signed with the name of the person voting, and the poll clerk shall thereupon openly record such vote in the poll-book, and the voting-paper shall be carefully preserved by the presiding officer; and the presiding officer shall, if he thinks fit, or if he be required so to do by any person entitled to vote at the said election, put to any voter at the time of his delivering in his voting-paper the following questions, or either of them.

1. Are you the Person assessed as *A. B.*, on the [] Rate [specifying the Rate which confers the Right to vote] in respect of Property described to be situated in [here specify the Street, &c., as described in the Rate]?

Or, if the Voter claim to vote as the Owner of Property,

- Are you the Person described as the Owner of the Property mentioned in [] Rate [specifying the Rate] and described as being situated in [here specify the Street, &c., as described in the Rate]?

2. Have you already voted at the present Election? [or, if the Town be divided into Wards,] Have you already voted for Commissioners to be elected for this or any other Ward at the present Election?

And no person required to answer either of the said questions shall be permitted or qualified to vote until he has answered the same; and if any person wilfully make a false answer to either of the questions aforesaid he shall be deemed guilty of a misdemeanour, or in Scotland shall be deemed guilty of perjury.

XXIX. The presiding officer, at any place of voting, may close the voting or poll at any time before four of the clock if one hour have elapsed during which no voting paper has been tendered at such place of voting.

XXX. After the close of the poll the returning officer, or where the Commissioners are elected for wards the presiding officer in each ward, shall examine the poll-books, and, if necessary, compare the entries therein with the rate-book and with the voting-papers so delivered as aforesaid for the purpose of ascertaining the number of votes given for each person; and so many of such persons, being not more than the number of persons then to be chosen for the town, or for each ward, as the case may be, and having the prescribed qualification, as shall have the greatest number of votes shall be deemed to be elected; and in case of an equality in the number of votes for any two or more such persons, the presiding officer shall, if necessary to prevent an excess in the number of Commissioners, decide by lot which of such persons shall be elected; and the presiding officer shall, not later than two of the clock in the afternoon of the day next but one following the day of such election, unless such day be Sunday, and then on the day following, publish a list of the names of the persons so elected; and he shall also send a notice to each person so elected, informing him of his being elected a Commissioner.

XXXI. Within four days after every election the returning officer, or where the Commissioners are elected for wards the presiding officer in each ward, shall cause the voting papers delivered as aforesaid to be arranged in alphabetical order, and numbered according to the names of the voters, and shall deliver them, together with the poll-books, to the clerk to the Commissioners; and such clerk shall, during six months at least after every such election, keep such voting-papers and poll-books at his office, and shall permit any person to inspect the same on payment of a fee of 1s., and if such clerk shall refuse or fail to allow such inspection he shall for every such refusal or failure be liable to a penalty of 10*l*.

XXXII. If any person be elected a Commissioner in more than one ward, he shall, within three days after notice thereof, choose, or in default thereof the Commissioners at their next meeting shall declare, for which one of the wards such Commissioner shall serve, and he shall thereupon be held to be elected in that ward only which he shall so choose or which the Commissioners shall so declare, and shall cease to be a Commissioner for any other ward.

XXXIII. If from any cause no election take place on the day appointed for the same, either for the town or for any ward, the election shall stand adjourned until the same day of the following week, and the returning officer shall give not less than three days' previous notice thereof by advertisement or by placards, affixed in public places in the town; and in such case the Commissioners who would on that day have retired from office by rotation shall continue in office until such adjourned election takes place.

XXXIV. No election of Commissioners shall be liable to be questioned by reason only of any defect in the title, or any want of title, of the person by or before whom such election shall have been held; provided that such person have been actually appointed to preside, or have been acting in the office giving the right to preside at such election.

XXXV. All expenses of or incident to any election incurred by the returning officer or presiding officer shall be repaid to them by the Commissioners out of the monies arising from the rates authorized to be levied for the purposes of the special Act; and all overseers and other parochial officers or other persons shall be in like manner paid a reasonable remuneration for attendance at the election, with rate-books, and for any other services performed in relation to such election; and any dispute respecting the amount of such expenses and remuneration shall be determined by a Justice, or by the sheriff, who shall have power also to fix the costs attending such determination, and to order by whom the same shall be paid.

And with respect to the meetings and other proceedings of the Commissioners, and their liabilities, it is enacted as follows:—

XXXVI. The Commissioners shall hold their first meeting at the prescribed time and place, and if a time or place be not prescribed they shall hold their first meeting at some convenient place within the limits of the special Act on the third Wednesday next after the commencement thereof, or if the first body of Commissioners be not named in the special Act, on the first Wednesday after the first election of Commissioners, or as soon after such periods respectively as conveniently may be, at the hour of ten of the clock in the forenoon, and shall proceed to put this and the special Act into execution.

XXXVII. At the first meeting of the Commissioners they shall, by the majority of the votes of the Commissioners present, elect one of their body to be their chairman until the next annual meeting of the Commissioners, when, and at every subsequent annual meeting, the Commissioners shall in like manner elect a chairman for the ensuing year; and in case the chairman die, or resign, or cease to be a Commissioner, or otherwise become disqualified to act as such, the Commissioners present at the meeting next after the occurrence of such vacancy shall choose some other of their body to fill such vacancy, and the chairman so elected shall continue in office so long only as the person in whose place he was elected would have been entitled to continue chairman; and if at any meeting of the Commissioners the chairman be not present, one of the Commissioners present shall be elected chairman of such meeting by the majority of the votes of the Commissioners present at such meeting.

XXXVIII. At all meetings of the Commissioners the questions there considered shall be decided by the votes of the majority present, and if there be an equal division of votes upon any question the chairman or Commissioner acting as chairman at such meeting shall, in addition to his own vote as a Commissioner, have a second or casting vote; provided always, that if at any such meeting there be an equality of votes in the election of the chairman, it shall be decided by lot which of the Commissioners having an equal number of votes shall be the chairman; provided also, that at every annual meeting the chairman going out of office at that meeting shall, if present and willing to act, be the chairman of such meeting.

XXXIX. All powers vested in the Commissioners under this or the special Act may be exercised by the prescribed number, and where no number is prescribed by any five or more of the Commissioners present at any meeting holden in pursuance of this and the special Act, and no business shall be transacted at any meeting of the Commissioners unless the said number of Commissioners be present.

XL. The Commissioners shall hold an annual meeting at the prescribed time and place, and if no time or place be prescribed then on the third Wednesday in the month of June in each year, at a place to be appointed by the Commissioners, and the

first of such annual meetings shall be held in the year after that in which the special Act is passed; and they shall also hold monthly meetings for the transaction of general business, and the said monthly meetings shall be held at the office of the Commissioners, on such day and hour in each month as the Commissioners shall from time to time appoint, and when any such appointment is made the clerk shall give notice thereof to each of the Commissioners, and they shall afterwards, until the time or place of such monthly meetings is changed, and notice of such change given to the Commissioners, attend such monthly meetings without notice.

XL. The Commissioners present at such first meeting, or at any annual or monthly meeting, or at any adjourned meeting, may from time to time adjourn such meeting to the same or any other place within the limits of the special Act, and if at any meeting of the Commissioners there be not the prescribed number, or where no number is prescribed five Commissioners, present within one half hour after the time appointed for such meeting, the Commissioners present, or the major part of them, or any one Commissioner, if only one be present, or their clerk if no Commissioner be present, may adjourn such meeting to another day at the same or any other place within the limits of the special Act.

XLII. The said monthly meetings of the Commissioners shall be held for transacting the ordinary business of the Commissioners under this or the special Act, and amongst the rest for appointing and removing the inferior officers of the Commissioners, and superintending their conduct, and for inquiring into the conduct of the contractors or other persons employed by them to execute any works, and into the state and progress of such works, and generally for giving such directions from time to time as may be necessary for carrying into effect the purposes of this and the special Act.

XLIII. Where any business other than ordinary business is required or intended to be transacted at any monthly meeting, the clerk shall give notice thereof to each of the Commissioners, and no such extraordinary business, nor any new rules or regulations, shall be adopted at the monthly meetings unless due notice thereof have been given at a prior meeting, and sent to each Commissioner in the manner required for special meetings.

XLIV. No resolution at any meeting of the Commissioners shall be revoked or altered at any subsequent meeting unless notice of the intention to propose such revocation or alteration be given by the clerk to each of the Commissioners seven days at least before holding the meeting, nor unless such revocation or alteration be determined upon by a majority consisting of two-thirds of the Commissioners present at such subsequent meeting, if the number of Commissioners present at such subsequent meeting be not greater than the number present when such resolution was come to, or by a majority if the number of Commissioners present at such subsequent meeting be greater than the number present at such former meeting.

XLV. The Commissioners may hold special meetings, and any five or more of the Commissioners may require a special meeting to be held, but no such meeting shall be held unless two clear days' notice thereof at the least be given.

XLVI. Where by the special Act the Commissioners are empowered to do anything by special order only, they shall not do such thing unless the resolution to do the same have been agreed to by the Commissioners in some meeting whereof special notice has been given, and have been confirmed in a subsequent meeting held not sooner than four weeks after the preceding meeting, and which subsequent meeting has been advertised once at least in each of the weeks intervening between the two meetings, and special notice thereof given to each of the Commissioners.

XLVII. All notices of any meeting of the Commissioners shall be in writing or in print, or partly in writing and partly in print, and shall be by the clerk delivered or sent by the post, or otherwise, to the usual place of abode or place of business, if any, within the limits of the special Act, of each of the Commissioners two clear days at least previous to such meeting, and every such notice shall specify the time and place of meeting, and in case of a special meeting shall specify the object thereof, and no business shall be transacted at any special meeting except such as is stated in the notice thereof.

XLVIII. At all meetings of the Commissioners they shall defray their own expenses, except what may be incurred for the use of the room in which the meeting is held, and for books, stationery, and fire.

XLIX. The Commissioners may at any meeting from time to time appoint committees for any purposes which in the opinion of the Commissioners would be better regulated and managed by means of such committee, and they may fix the quorum of any such committee, and may continue, alter, or discontinue such committee.

L. Every committee so appointed may meet from time to time, and may adjourn from place to place, as they may think proper, for carrying into effect the purposes of their appointment; but no business shall be transacted at any meeting of the committee unless the quorum of members, if any, fixed by the Commissioners, and if no quorum be fixed three members, be present, and at all meetings of the committee one of the members present shall be appointed chairman, and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

LI. No proceeding of the Commissioners or of any committee shall be invalidated or be illegal in consequence only of there being any vacancy in the number of Commissioners at the time of such proceeding.

LII. All proceedings of the Commissioners, or of a committee of Commissioners, or of any person acting as a Commissioner, shall, notwithstanding it be afterwards discovered that there was some defect in the appointment of any such Commissioners or persons acting as aforesaid, or that they or any of them were disqualified, be as valid as if every such person had been duly appointed and was qualified to be a Commissioner.

LIII. The Commissioners may from time to time provide and maintain fit and convenient public offices, together with all necessary and proper furniture for the same, for holding the meetings and transacting the business of the Commissioners, and for the use of their officers, and for the holding of such public meetings and transacting such public business relating to the town as the Commissioners shall, from time to time, under the powers of this or the special Act, or any Act incorporated therewith, direct or allow to be held or transacted therein, and for such purpose may purchase or hire any lands or buildings

which the Commissioners think necessary from any person willing to sell or let the same, or may cause any new building to be erected upon any land purchased or hired under the provisions of this or the special Act, or otherwise belonging to the Commissioners.

LIV. The Commissioners shall require their clerk, or some person duly authorized by them in that behalf, to attend to their office daily, Sundays, Christmas Days, and Good Fridays, and days appointed for general fasts or thanksgivings only excepted, for the purpose of receiving notices, and transacting the ordinary business of the Commissioners, and due notice of the situation of the office of the Commissioners, and of the hours during which attendance is given there, shall be published by the Commissioners within the limits of the special Act, in such manner that the same may be fully and generally known.

LV. The Commissioners shall cause entries of all the proceedings of the Commissioners, and of every committee appointed by them, with the names of the Commissioners who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk under the superintendence of the Commissioners, and every such entry shall be signed by the chairman of the meeting at which the proceeding took place, and such entry so signed shall be received as evidence in all courts, and before all Judges, Justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being Commissioners or members of committees respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved; and such books shall at all reasonable times be open to the inspection of any of the Commissioners, and of any mortgagee of the rates or property of the Commissioners.

And with respect to the contracts to be entered into and the deeds to be executed by the Commissioners, it is enacted as follows:—

LVI. The Commissioners may enter into contracts with any persons for the execution of any works directed or authorized by this and the special Act to be done by the Commissioners, or for furnishing materials, or for any other things necessary for the purposes of this or the special Act, and every such contract for the execution of any work shall be in writing, and shall specify the work to be done, and the materials to be furnished and the price to be paid for the same, and the time or times within which the work is to be completed, and the penalties to be suffered in case of non-performance thereof, and the power hereby granted to the Commissioners to enter into contracts may lawfully be exercised as follows; (that is to say.)

Any contract which if made between private persons would be by law required to be in writing and under seal, or in Scotland by a probative deed, the Commissioners may make in writing and under their common seal, if they be incorporated, or if not incorporated under the hands and seals, or in Scotland under the hands of the Commissioners or any two of them, acting by the direction and on behalf of the Commissioners, and in the same manner may vary or discharge the same:

Any contract which if made between private persons would be by law required to be in writing and signed by the parties to be charged therewith, the Commissioners may make in writing, signed by the Commissioners or any two of their number acting by the direction and on behalf of the Commissioners, and in the same manner may vary or discharge the same:

Any contract which if made between private persons would be by law be valid, although made by parol only and not reduced into writing, the Commissioners or any two of them, acting by the direction and on behalf of the Commissioners, may make by parol only, without writing, and in the same manner may vary or discharge the same:

And all contracts made according to the provisions herein contained, being duly executed by the persons contracting to perform the works therein comprised respectively, shall be effectual in law, and shall be binding on the Commissioners, and all other parties thereto, their successors, heirs, executors, or administrators, as the case may be, and in case of default in the execution of any such contract either by the Commissioners or by any other party thereto, such actions or suits may be maintained thereon, and damages and costs recovered by or against the Commissioners or the other parties failing in the execution thereof, as might have been maintained and recovered had the same contracts been made between private persons only.

LVII. Before any contract to the amount of 100*l.* or upwards shall be entered into by the Commissioners, ten days' notice at the least shall be given in some one of the newspapers circulating within the limits of the special Act, expressing the purpose of such contract, and inviting any person willing to undertake the same to make proposals for that purpose to the Commissioners, and the Commissioners shall accept the proposal which upon a view of all the circumstances shall appear to them to be most advantageous, and shall take security for the due and faithful performance of every such contract.

LVIII. The Commissioners may compound with any party who has entered into any such contract, or against whom any action or suit has been brought for any penalty contained in any such contract, or in any bond or other security for the performance thereof, or on account of any breach or non-performance of any such contract, bond, or security for such sums of money or other recompense as the Commissioners may think proper.

LIX. Where by the special Act or any Act incorporated therewith the Commissioners are authorized or required to sell or convey any lands vested in them, and no other mode of conveyance is provided, they may convey such lands, or such interest as the Commissioners have therein, by deed under the common seal of the Commissioners if they be a corporation, or if not a corporation by deed executed by the Commissioners, or any two of them acting by the authority of and on behalf of the Commissioners; and a deed so executed, followed as to lands in Scotland by infestment duly recorded, shall be effectual to vest the lands comprised therein or such interest as the Commissioners have therein in the grantee or other person to whom the same shall be so conveyed; and a receipt under such common seal, or under the hands of two of the Commissioners acting as aforesaid, shall be a sufficient discharge to the purchaser of any such lands for the purchase-money in such receipt expressed to be received.

And with respect to the liabilities of the Commissioners, and to legal proceedings by or against the Commissioners, it is enacted as follows:—

LX. No Commissioner, by being party to or executing in his capacity of Commissioner any contract or other instrument on behalf of the Commissioners, or otherwise lawfully executing any of the powers given to the Commissioners, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the several Commissioners shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as Commissioners; and the Commissioners respectively, their heirs, executors, and administrators, shall be indemnified out of the rates and other monies coming to the hands of the Commissioners by virtue of this and the special Act for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them.

LXI. In all actions and suits in respect of any matter or thing relating to the execution of this or the special Act, to be brought by or against the Commissioners, it shall be sufficient, where such Commissioners are not a body corporate, to state the names of any two of the Commissioners, or the name of their clerk, as the party, plaintiff or defendant, representing the Commissioners in any such action or suit, and no such action or suit shall abate or be discontinued, or require to be transferred, by reason of the death of any such Commissioner, or by his ceasing to be a Commissioner, or by the death, suspension, or removal of such clerk.

LXII. Execution upon every judgment or decree against the Commissioners in any such action or suit shall be levied on the goods, chattels, or personal effects belonging to the Commissioners by virtue of their office, and shall not in any manner extend to charge or make liable the persons, or private lands or goods of any of the Commissioners, or the heirs, executors, or administrators of any of them.

LXIII. Every Commissioner or clerk in whose name any such legal proceeding shall be carried on, either as plaintiff or defendant, on behalf of the Commissioners, shall be re-imbursed, out of the monies which shall come into the hands of the treasurer of the Commissioners by virtue of his office, all damages, costs, charges, and expenses to which any such Commissioner or clerk may be put, or with which he may become chargeable, by reason of being so made plaintiff or defendant.

LXIV. The Commissioners may prefer a bill of indictment against any person who shall steal or wilfully injure any property or thing belonging to the Commissioners, or under their management, or institute any other proceeding which may appear to them necessary for the protection of such property, and in every such case it shall be sufficient to state generally the property or thing in respect of which such proceeding shall have been taken to be the property of the Commissioners, as they shall be described in the special Act, without naming the individual Commissioners.

And with respect to the appointment and accountability of the officers of the Commissioners, it is enacted as follows:—

LXV. The Commissioners may from time to time appoint and employ a treasurer, clerk, collector, assessor, and all such other officers to assist in the execution of this and the special Act as they shall think necessary and proper, and from time to time remove any of such officers, and appoint others in the room of such as shall be so removed, or as may die, resign, or discontinue their offices, and may, out of the monies to be raised for the purposes of this and the special Act, pay such salaries and allowances to the said officers respectively as the Commissioners shall think reasonable.

LXVI. The same person shall not be appointed to the office both of clerk and treasurer; and if any person being the clerk, or the partner of such clerk, or in the service of such clerk or of his partner, accept the office of treasurer, or if any person being the treasurer, or the partner of such treasurer, or in the service of such treasurer or of his partner, accept the office of clerk, he shall forfeit the sum of 100*l.*, and any person may sue for such penalty by action of debt or on the case in any of the superior courts, and shall on recovery thereof be entitled to full costs of suit.

LXVII. Every officer employed by the Commissioners who shall exact or accept on account of anything done by virtue of his office, or in relation to the matters to be done under this or the special Act, any fee or reward whatsoever other than the salary or allowances allowed by the Commissioners, or who shall be in anywise concerned or interested in any bargain or contract made by the Commissioners, shall be incapable of being afterwards employed by the Commissioners, and shall forfeit the sum of 50*l.*, and any person may sue for such penalty by action of debt or on the case in any of the superior courts, and shall on recovery thereof be entitled to full costs of suit.

LXVIII. Before any person, whether treasurer, collector, or other officer intrusted by the Commissioners with the custody or controul of monies by virtue of his office, shall enter upon such office, the Commissioners shall take sufficient security from him for the faithful execution thereof.

LXIX. Every collector appointed or employed by the Commissioners by virtue of this or the special Act to collect any rates shall, within seven days after he shall have received any monies on account of any such rates, pay over the same to the treasurer of the Commissioners to their account, and the receipt of such treasurer for the monies so paid shall be a sufficient discharge to the collector, and every such collector shall, in such time and in such manner as the Commissioners direct, deliver to them true and perfect accounts in writing under his hand of all monies received by him and of all monies paid by him to the said treasurer by virtue of this or the special Act, and also a list of the names of all persons who have neglected or refused to pay any rate or money owing by them, with a statement of the monies due from them respectively.

LXX. Every collector and other officer appointed or employed by the Commissioners by virtue of this or the special Act shall, from time to time when required by the Commissioners, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand of all monies received by him on behalf of the Commissioners, and such account shall state how and to whom and for what purpose such monies have been disposed of, and together with such account such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the Commissioners, or to any person appointed by them to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts.

LXXI. If any such collector or other officer fail to render such accounts as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for five days after being thereunto required he fail to deliver up to the Commissioners, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters, and things, in his possession or power, relating to the execution of this or the special Act, or any Act incorporated therewith, or belonging to the Commissioners, then on complaint thereof being made to a Justice, or to the sheriff, such Justice or sheriff shall summon such officer to appear before two or more Justices, or before such sheriff, according as the summons may have been issued by a Justice or by the sheriff, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or upon proof that such summons was personally served upon him, or left at his last known place of abode, such Justices or sheriff may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any monies of the Commissioners are in the hands of such officer, or owing by him to the Commissioners, such Justices or sheriff may order such officer to pay the same, and if he fail to pay the amount it shall be lawful for such Justices or sheriff to grant a warrant to levy the same by distress, or by pouncing and sale, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same be sooner paid.

LXXII. If any such officer summoned as aforesaid refuse to make out such account in writing, or to produce and deliver to the Justices or sheriff the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power, belonging to the Commissioners, such Justices or sheriff may commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things, in his possession or power, belonging to the Commissioners.

LXXIII. Provided always, That if any Commissioner, or other person acting on behalf of the Commissioners, shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and that he does believe that it is the intention of any such officer as aforesaid to abscond, the Justice or the sheriff before whom the complaint is made may, instead of issuing his summons, issue his warrant for bringing such officer before such two Justices as aforesaid if the warrant be issued by a Justice, or before such sheriff if the warrant be issued by him; but no person executing such warrant shall keep such officer in custody longer than twenty-four hours without bringing him before some Justice or the sheriff, according as he may be summoned before the one or the other; and the Justice or sheriff before whom such officer may be brought may either discharge such officer, if he think there is no sufficient ground for his detention, or order such officer to be detained in custody so as to be brought before two Justices at a time and place to be named in such order, unless such officer give bail to the satisfaction of such Justice for his appearance before such Justices to answer the complaint of the Commissioners.

LXXIV. No such proceeding against or dealing with any such officer as aforesaid shall deprive the Commissioners of any remedy which they might otherwise have against any surety of such officer.

And with respect to the mortgages to be executed by the Commissioners, it is enacted as follows:—

LXXV. Every mortgage or assignment in security of rates or other property authorized to be made under the provisions of this or the special Act shall be by deed duly stamped, in which the consideration shall be truly stated; and every such deed shall be under the common seal of the Commissioners if they be a body corporate, or if they be not a body corporate shall be executed by the Commissioners, or any five of them, and may be according to the form in the Schedule (B.) to this Act annexed or to the like effect; and the respective mortgagees or assignees in security shall be entitled one with another to their respective proportions of the rates and assessments or other property comprised in such mortgages or assignment respectively, according to the respective sums in such mortgages or assignments mentioned to be advanced by such mortgagees or assignees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of the priority of advancing such monies, or of the dates of any such mortgages or assignments respectively.

LXXVI. A register of mortgages or assignments in security shall be kept by the clerk to the Commissioners, and where by the special Act the Commissioners are authorized or required to raise separate sums on separate rates or other property, a separate register shall be kept for each class of mortgages or assignments in security, and within fourteen days after the date of any mortgage or assignment in security an entry or memorial of the number and date thereof, and of the names of the parties thereto, with their proper additions, shall be made in the proper register, and every such register may be perused at all reasonable times by any person interested in any such mortgage or assignment in security without fee or reward.

LXXVII. Any person entitled to any such mortgage or assignment may transfer his right and interest therein to any other person, and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated, and every such transfer may be according to the form in the Schedule (C.) to this Act annexed, or to the like effect.

LXXVIII. Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the clerk to the Commissioners, and thereupon such clerk shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage or assignment in security, and for such entry the clerk may demand a sum not exceeding 5s., and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original mortgage or assignment in security, and the principal and interest thereby secured, and such transferee may in like manner assign or transfer the same again *toties quoties*, and it shall not be in the power of any person, except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage or assignment so transferred, or any money thereby secured.

LXXIX. Unless otherwise provided by any mortgage or assignation in security, the interest of the money borrowed thereupon shall be paid half-yearly to the several parties entitled thereto.

LXXX. If the Commissioners can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then be in force shall bear, they may borrow such sum at such lower rate as aforesaid, in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and other property which they may be authorized to mortgage or assign in security under this or the special Act, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other monies borrowed on mortgage or assignation in security.

LXXXI. The Commissioners may, if they think proper, fix a period for the repayment of all principal monies borrowed under the provisions of this or the special Act, with the interest thereof, and in such case the Commissioners shall cause such period to be inserted in the mortgage deed or assignation in security; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal money and interest, and if no other place of payment be inserted in such deed such principal and interest shall be payable at the office of the Commissioners.

LXXXII. If no time be fixed in the mortgage deed or assignation in security for the repayment of the money so borrowed, the party entitled to receive such money may, at the expiration or at any time after the expiration of twelve months from the date of such deed, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose, and in the like case the Commissioners may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or creditor shall be delivered to the clerk or left at the office of the Commissioners, and if given by the Commissioners shall be given either personally to such mortgagee or creditor, or left at his residence, or if such mortgagee or creditor be unknown to the Commissioners, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London Gazette* if the office of the Commissioners is in England, the *Edinburgh Gazette* if it is in Scotland, or in the *Dublin Gazette* if it is in Ireland.

LXXXIII. If the Commissioners shall have given notice of their intention to pay off any such mortgage or assignation in security at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless, on demand of payment made pursuant to such notice, or at any time thereafter, the Commissioners fail to pay the principal and interest due at the expiration of such notice on such mortgage or assignation in security.

LXXXIV. In order to discharge the principal money borrowed as aforesaid on security of any of the rates the Commissioners shall every year appropriate and set apart out of such rates respectively a sum equal to the prescribed part, and if no part be prescribed one-twentieth part of the sums so borrowed respectively, as a sinking fund to be applied in paying off the respective principal monies so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Exchequer bills or other Government securities, or in Scotland deposited in one of the banks there incorporated by Act of Parliament or royal charter, and to be increased by accumulation in the way of compound interest or otherwise, until the same respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the Commissioners shall think ought then to be paid off, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

LXXXV. Whenever the Commissioners shall be enabled to pay off one or more of the mortgages or assignations in security which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order in which they shall be paid off by lot among the class to which such one or more of the mortgages or assignations in security belong, and shall cause a notice, signed by their clerk, to be given to the persons entitled to the money to be paid off, pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified, at the expiration of six months from the date of giving such notice.

LXXXVI. Where by the special Act the mortgagees or assignees in security of the Commissioners are empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due to them, by the appointment of a receiver, then, if within thirty days after the interest accruing upon any such mortgage or assignation in security has become payable, and, after demand thereof in writing, the same be not paid, the mortgagee or assignee in security may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts, require the appointment of a receiver, by an application to be made as hereinafter provided; and if within six months after the principal money owing upon any such mortgage or assignation in security has become payable, and after demand thereof in writing the same be not paid, together with all interest due in respect thereof, the mortgagee or assignee in security, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior courts, may, if his debt amount to the prescribed sum, alone, or if his debt do not amount to the prescribed sum he may in conjunction with other mortgagees or assignees in security, whose debts being so in arrear, after demand as aforesaid, together with his amount to the prescribed sum, require the appointment of a receiver, by an application to be made as hereinafter provided.

LXXXVII. Every application for a receiver in the cases aforesaid shall in England or Ireland be made to two Justices, and in Scotland to the sheriff, and on any such application such Justices or sheriff may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the rates or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the rates or sums aforesaid, be fully paid; and upon such appointment being made all such rates and sums of money as aforesaid, or such part thereof as may be ordered by the said Justices or sheriff, shall be paid to the person so to be appointed, and the money so paid shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on

whose behalf such receiver shall have been appointed, and after such interest and costs, or such principal, interest, and costs, have been so received, the power of such receiver shall cease. a

LXXXVIII. The books of account of the Commissioners shall be open at all seasonable times to the inspection of the respective mortgagees or assignees in security of the Commissioners, with liberty to take extracts therefrom without fee or reward.

And with respect to the accounts to be kept by the Commissioners, it is enacted as follows:—

LXXXIX. The Commissioners shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this and the special Act, and of the several purposes for which such sums of money shall have been received and paid, which books shall at all reasonable times be open to the inspection of any of the Commissioners, and any mortgagee, assignee in security, or other creditor of the Commissioners, without fee or reward, and the Commissioners and persons aforesaid, or any of them, may take copies of or extracts from the said books, without paying anything for the same; and any clerk or other person having the custody of the said books who shall not on any reasonable demand of any Commissioner, mortgagee, or creditor as aforesaid permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall be liable to a penalty of 5*l.* for every such offence.

xc. The Commissioners shall cause their accounts to be balanced in each year to a period not less than one month before the annual general meeting at which they are to be produced, as after mentioned; and fourteen days at the least before such meeting the Commissioners shall cause a full and true statement and account to be drawn out of the amount of all rates or assessments made, and of all contracts entered into, and of all monies received and expended by virtue of this or the special Act during the preceding year, and also of all debts then owing by the Commissioners, and they shall cause such statement and account to be printed, and shall allow the same to remain for inspection at the office of the Commissioners; and every creditor on the rates and assessments by this or the special Act, or any Act incorporated therewith, authorized to be made, and every person paying any such rate or assessment, or any person acting on behalf of any such creditor or rate-payer, may, at all reasonable times, inspect such statement and account, and compare the same with the books and documents relating thereto in the possession of the Commissioners; and the clerk shall, on demand, furnish a printed copy of the said statement and account to every such creditor and rate-payer without fee; and fourteen days at the least before the meeting for examining and settling such account the Commissioners shall give public notice of such intended meeting, stating in such notice that the said statement and account are printed, and lie at the office of the Commissioners ready for the inspection of the creditors and rate-payers or other parties interested.

xcI. The accounts of the Commissioners, so balanced as aforesaid, together with the said statement and account, shall be produced at the annual meeting of the Commissioners, or at some adjournment thereof, at which meeting all creditors and rate-payers and other persons interested may be present, and the accounts shall be then finally examined and settled by the Commissioners, and if the same be found just and true they shall be allowed by the Commissioners, and certified accordingly under the hand of the chairman of such meeting; and after such accounts have been so allowed and signed by such chairman, and also by the auditors as hereinafter provided, the same shall be final in regard to all persons whomsoever, unless an appeal be prosecuted against such accounts as hereinafter provided.

xcII. Except in the cases where by the special Act provision is made for the appointment of a permanent auditor, and such auditor shall have been appointed accordingly, the rate-payers present at the said annual meeting may appoint two or more persons not being Commissioners to be auditors of the accounts of the Commissioners; and if no other person present at such meeting propose the names of two persons to be appointed auditors by such meeting, it shall be the duty of the chairman of the meeting to propose the names of two persons to be so appointed; and the persons so to be appointed auditors shall have the like qualification, and shall be subject to the like disqualification or disability, as the Commissioners; and before entering on their office they shall make and sign before a Justice or the sheriff a solemn declaration of the like purport and effect to that hereby required to be signed by the Commissioners; and the auditors so appointed shall receive a reasonable remuneration for their time and trouble, not exceeding two guineas each for every day they shall be fully employed on such audit, and all such expenses as they shall be put unto attending the auditing of the said accounts; and if any dispute arise as to the amount of the remuneration and expenses to be paid to such auditors, it shall in England or Ireland be settled by two Justices and in Scotland by the sheriff.

xcIII. The auditors so nominated, or the said permanent auditor, if any shall have been appointed as aforesaid, shall attend as soon as conveniently may be after the said annual meeting, at the office of the Commissioners, or at some other convenient place to be appointed by the Commissioners, and from time to time shall, in the presence of the clerk to the Commissioners if he desire to be present, proceed to audit the accounts of the Commissioners for the year preceding the said annual meeting; and the Commissioners shall by their clerk produce and lay before such auditors the accounts so allowed and certified as aforesaid, together with the statement and account hereinbefore mentioned, accompanied with proper vouchers in support of the same, and all books, papers, and writings in their custody or power relating thereto; and any person interested in the said account, either as a creditor of the Commissioners or as a rate-payer, may be present at the audit of the said accounts by himself or his agent, and may make any objection to any part of such account; and if the said accounts be found correct such auditors shall sign the same in token of their allowance thereof, but if such auditors think there is just cause to disapprove of any part of the said accounts, they or any other person interested in the said accounts as aforesaid may appeal against any such parts of the said accounts as shall be so disapproved of to one of the two next Quarter Sessions in England or Ireland, and to the sheriff in Scotland, notice in writing of such appeal being given to the clerk of the Commissioners fourteen days at the least before the hearing of such appeal.

xcIV. Upon the hearing of any such appeal the Justices or the sheriff may make such order as they or he think fit respecting the payment of the costs of the appellant out of the monies coming to the hands of the Commissioners under the special Act or otherwise, as they or he think fit, and such order shall be final.

xcv. The Commissioners shall every year cause an annual account in abstract to be prepared, shewing the total receipt and expenditure of all funds levied by virtue of this and the special Act, and any Act incorporated therewith, for the year ending on the day down to which their accounts shall have been made up for the said annual meeting, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the chairman of the Commissioners and also by the auditors thereof, and shall, if the undertaking is situated in England or Ireland, send a copy of the said account free of charge to the clerk of the peace for the county where the undertaking is situate, and if the undertaking is situated in Scotland shall send such copy to the sheriff clerk of such county, on or before the 31st of January then next, or within one month after the same has been duly audited, which account shall be open to the inspection of the public at all reasonable hours, on payment of the sum of 1s. for every such inspection; and if the Commissioners shall omit to prepare and transmit such account as aforesaid, they shall be liable for every such omission to a penalty of 20*l*.

And with respect to the making of bye-laws, it is enacted as follows:—

xcvi. The Commissioners may from time to time make such bye-laws as they think fit, for the purpose of regulating the conduct of the officers and servants of the Commissioners, and for providing for the due management of the affairs of the Commissioners, and may from time to time alter or repeal any such bye-laws, and make others, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Commissioners, where the Commissioners are a body corporate, or shall be signed by the Commissioners, or any two of them, where they are not a body corporate; and a copy of such bye-laws shall be given to every officer and servant of the Commissioners affected thereby.

xcvii. The Commissioners may by such bye-laws impose such reasonable penalties upon all persons, being officers or servants of the Commissioners, offending against such bye-laws as the Commissioners think fit, not exceeding 5*l*. for any one offence.

xcviii. All the bye-laws to be made by the Commissioners shall be so framed as to allow the Justice or the sheriff before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, if such Justice or sheriff think fit.

And with respect to giving notices and orders, it is enacted as follows:—

xcix. Any summons or notice, or any writ or other proceeding at law or in equity, requiring to be served upon the Commissioners, may be served by the same being left at or sent through the post office, directed to the Commissioners, at their principal office, or one of their principal offices where there shall be more than one, or by being given personally to the clerk, or in case there be no clerk, then by being given to any one Commissioner.

c. All notices required by this or the special Act, or any Act incorporated therewith, to be given by advertisement, shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the undertaking shall be situated.

ci. Every order, summons, notice, or other such document requiring authentication by the Commissioners shall be sufficiently authenticated if signed by two Commissioners, or by the clerk of the Commissioners, and it need not be under the common seal of the Commissioners, although they be incorporated, and the same may be in writing or in print, or partly in writing and partly in print.

And with respect to the proof of debts in bankruptcy or insolvency, it is enacted:—

cii. That if any person against whom the Commissioners have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, the clerk or treasurer of the Commissioners, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, may represent the Commissioners, and act in their behalf, in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the Commissioners.

And with respect to tender of amends, it is enacted:—

ciii. That if any person shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender have been made, the defendant, by leave of the Court where such action is pending, may, at any time before issue joined, pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices or to the sheriff, it is enacted as follows:—

civ. If the undertaking be situate in England or Ireland the clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, shall be incorporated with this and the special Act; and if the undertaking be situate in Scotland the clauses of the Railways Clauses Consolidation Act (Scotland), 1845, with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff or to Justices, shall be incorporated with this

and the special Act; and such clauses shall apply to the undertaking, and to the Commissioners respectively, and shall be construed as if the word "Commissioners" had been inserted therein instead of the word "company."

cv. All things herein or in the special Act, or any Act incorporated herewith, authorized or required to be done by two Justices, may and shall be done in England and Ireland by any one magistrate having by law authority to act alone for any purpose with the powers of two or more Justices, and in Scotland by the sheriff or steward of any county or stewartry or ward, or his substitute.

cvi. Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act, 2 & 3 Vict. c. 71, intituled, 'An Act for regulating the Police Courts in the Metropolis;' and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal and upon the same terms as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expenses as they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

cvi. Provided always, That in Ireland, in the case of any penalty imposed by Justices, where the application is not otherwise provided for, such Justices may award not more than one-half of such penalty to the informer, and shall award the remainder to the guardians of the poor of the union within which the offence shall have been committed, to be applied in aid of the poor-rates of such union.

cvi. Every person who, upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

cix. And it is enacted, That nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's duties of Customs or Excise, or any other revenue of the Crown, or to extend to or affect any claim of Her Majesty in right of her Crown, or otherwise howsoever, or any proceedings at law or in equity by or on behalf of Her Majesty, in any part of the United Kingdom of Great Britain and Ireland.

And with respect to access to the special Act, it is enacted as follows:—

cx. The Commissioners shall, at all times after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them; and shall also, within the space of such six months, deposit in the office of the clerk of the peace in England or Ireland, and of the sheriff clerk in Scotland, of the county in which the undertaking is situate, a copy of such special Act so printed as aforesaid; and the said clerk of the peace and sheriff clerk respectively shall receive, and they and the Commissioners respectively shall keep, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled, 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

cx. If the Commissioners fail to keep or deposit as hereinbefore mentioned any of the said copies of the special Act, they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

cxii. And it is enacted, That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.) Sect. 23.

Voting Paper.

Town of [or District] of [or, if divided into Wards,]
Voting Paper for the Town [or District] of Ward, in the Town [or District] of]

| Names of the Persons voted for as Commissioners. | Christian Name and Surname of Voter. | Description of Property. | Number of Votes. | |
|--|--|--------------------------------|------------------|-----------------|
| | | | As Owner. | As Occupier. |
| | | | | |

I vote for the Persons named in the above List as Commissioners for this Town [or District, or Ward, as the Case may be].

(Signed)

Here the Name of the Voter should be written.

SCHEDULE (B.) Sect. 75.

Form of Mortgage.

By virtue of [here name the special Act], we [here name the Corporation, if the Commissioners be incorporated, or if not incorporated, Five of the Commissioners,] appointed in pursuance of the said Act, in consideration of the Sum of _____ paid to the Treasurer to the said Commissioners by A.B. of _____ for the Purposes of the said Act, do grant and assign unto the said A.B., his Executors, Administrators, and Assigns, such Proportion of the Rates, Rents, Profits, and other Monies arising or accruing by virtue of the said Act from [here describe the Rates or other Property proposed to be mortgaged] as the said Sum of _____ doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates, Rents, Profits, or Monies, to hold to the said A.B., his Executors, Administrators, and Assigns, from this Day until the said Sum of _____ with Interest at _____ per Centum per Annum for the same, shall be fully paid and satisfied (the Principal Sum to be repaid at the End of _____ Years from the Date hereof [in case any Period be agreed upon for that Purpose]). Given under our Corporate Seal [or, In witness whereof we have hereunto set our Hands and Seals, or, if the Deed be granted in Scotland, insert the testing Clause required by the Law of Scotland, as the Case may be,] this _____ Day of _____ One thousand eight hundred and _____.

SCHEDULE (C.) Sect. 77.

Form of Transfer of Mortgage.

I A.B. of _____ in consideration of the Sum of _____ paid to me by C.D. of _____ do hereby transfer to the said C.D., his Executors, Administrators, and Assigns, a certain Mortgage, [or if the Deed be granted in Scotland, a certain Assignment in Security,] Number _____ made by "The Commissioners for executing the [here name the special Act] to _____ bearing Date the _____ Day of _____ for securing the Sum of _____ and _____ Interest [or, if such Transfer be by Indorsement, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Rates, Rents, Profits, or other Monies thereby assigned. In witness whereof I have hereunto set my Hand and Seal [or, if the Deed be granted in Scotland, insert the testing Clause required by the Law of Scotland,] this _____ Day of _____ One thousand eight hundred and _____ and _____.

SCHEDULE (D.) Sect. _____

Form of Conviction.

Be it remembered, That on this _____ Day of _____ in the Year of our Lord _____ A.B. is to wit. } convicted before us, Two of Her Majesty's Justices of the Peace for the County of _____ [or before me the Sheriff of the County of _____] [here describe the Offence generally, and the Time and Place when and where committed], contrary to [here name the special Act]. Given under our Hands and Seals [or, if by the Sheriff, under my Hand] the Day and Year first above written.

C.
D.

CAP. XVII.

AN ACT for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Waterworks for supplying Towns with Water.

(23rd April 1847.)

ABSTRACT OF THE ENACTMENTS.

1. Extent of Act.
2. Interpretations in this Act: "special Act;" "prescribed;" "the lands and streams;" "the undertaking;" "the undertakers."
3. Interpretations in this and the special Act:—Number; gender; "person;" "lands;" "streams;" "street;" "the water-works;" "water-rate;" "month;" "superior courts;" "oath;" "county;" "Justice;" "two Justices;" "sheriff;" "Quarter Sessions;" "the town Commissioners;" "inspector."

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|--------------------------------------|---|
| Citing the Act. | 4. <i>Short title of this Act.</i> 5. <i>Form in which portions of this Act may be incorporated in other Acts.</i> |
| Construction of Water-works. | 6. <i>Construction of waterworks to be subject to the provisions of this Act and the Lands Clauses Consolidation Acts, 1845.</i> 7. <i>Errors and omissions in plans, &c. may be corrected by Justices, &c., who shall certify the same.—Certificate, &c. to be deposited.</i> 8. <i>Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited.</i> 9. <i>Clerks of the peace, &c. to receive plans of alterations, &c. and allow inspection.</i> 10. <i>Copies of plans and alterations, &c. to be evidence.</i> 11. <i>Not to deviate beyond limits defined upon plans, &c.</i> 12. <i>Undertakers subject to provisions of this and the special Act, may execute the works herein named.—Undertakers to make compensation for damages.</i> 13. <i>Penalty for obstructing construction of works.</i> 14. <i>Penalty for illegally diverting water.</i> 15. <i>Reservation of existing rights.</i> |
| Accommodation Works. | 16. <i>Differences as to the construction of accommodation works to be settled by Justices.</i> 17. <i>If undertakers fail to execute such works, persons aggrieved may perform the same, and charge the expense to the undertakers.</i> 18. <i>Undertakers not entitled to mines unless previously purchased.</i> 19. <i>Map and plan of underground works of undertakers to be made.</i> 20. <i>Copies of such map or plan to be deposited with clerk of the peace, &c.</i> 21. <i>Clerks of the peace, &c. to receive and keep copies of the map, &c., and allow inspection.</i> 22. <i>Mines lying near the works not to be worked until owners give notice to undertakers of their intentions.—Upon receipt of notice, undertakers may take the mines, making compensation to the owners.</i> |
| Mines. | 23. <i>If company unwilling to treat for payment of compensation, owner may work the mines.—Owners to make good damage occasioned by working the mines in an unusual manner.</i> 24. <i>Mining communications.</i> 25. <i>Company to make compensation to owner, lessee or occupier of mines for expenses incurred by reason of mines being worked.—Disputes to be settled by arbitration.</i> 26. <i>Power to company to enter and inspect the working of mines after giving notice of the same.</i> 27. <i>Nothing to prevent undertakers from being liable to actions for injury done to mines.</i> 28. <i>Power to break up streets, &c. under superintendence, and to open drains.</i> 29. <i>Not to enter on private land without consent.</i> 30. <i>Notice to be served on persons having controul, &c. before breaking up streets or opening drains.</i> 31. <i>Streets or drains not to be broken up except under superintendence of persons having controul of the same.—If persons having the controul, &c. fail to superintend, undertakers may perform the work without them.</i> |
| Laying of Pipes. | 32. <i>Streets, &c. broken up to be reinstated without delay.</i> 33. <i>Penalty for delay in reinstating streets, &c.</i> 34. <i>In case of delay, other parties may reinstate and recover the expenses.</i> |
| Supply of Water. | 35. <i>A constant supply of water to be kept for domestic purposes at high pressure.</i> 36. <i>Penalty for neglect to lay pipes for supply of water for domestic use.—Proviso.</i> 37. <i>Supply of water to be kept for cleansing sewers, drains, &c. and for other public purposes.</i> 38. <i>Undertakers to affix public fire-plugs in mains.</i> |
| Fire-Plugs. | 39. <i>Undertakers to repair fire-plugs, and deposit keys thereof at engine-houses, &c.</i> 40. <i>Expense of fire-plugs, &c., how to be borne.</i> 41. <i>Fire-plugs to be placed near manufactories at request, &c. of owners.</i> 42. <i>Pipes to be kept charged, and water taken to extinguish fires without charge.</i> 43. <i>Penalty for refusal to fix, &c. fire-plugs, or occasional failure of supply of water.</i> 44. <i>Undertakers to lay down communication pipes on request of occupier and with consent of owners in houses of limited value.</i> |
| Pipes to be laid by the Undertakers. | 45. <i>Penalty on undertakers for refusal to lay communication pipes.</i> 46. <i>Undertakers to be at liberty to remove pipes, and recover expenses of owners or occupiers.—No greater sum to be recovered from occupiers than amount of rent due.</i> 47. <i>Owner to be at liberty to purchase the pipes.</i> 48. <i>Power to inhabitants to lay service pipes, giving the undertakers notice of the same.</i> 49. <i>Communication with the pipes of the undertakers to be made under the superintendence of their surveyor.—As to the settling of disputes.</i> |
| Pipes to be laid by the Inhabitants. | 50. <i>Bore of service pipes.</i> 51. <i>Service pipes may be removed after giving notice of the same.—Penalty on removing pipes without notice.</i> 52. <i>Power to inhabitants to break up pavements, giving notice of the same.</i> 53. <i>Owners or occupiers entitled to demand a supply of water for domestic purposes.</i> |
| Protection of Water. | 54. <i>Persons using the water to provide cisterns and cocks.—Penalty for neglect.</i> 55. <i>Penalty for suffering cistern, &c. to be out of repair.</i> 56. <i>Undertakers may repair cisterns, &c. and recover the expenses.</i> |

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| <i>Protection of Water.</i> | { | 57. Power to surveyor employed by undertakers to enter houses to inspect, &c. |
| | | 58. Penalty for allowing persons to use the undertakers' water. |
| | | 59. Penalty for taking the undertakers' water without agreement. |
| | | 60. Penalty for destroying valves, &c. |
| <i>Fouling the Water.</i> | { | 61. Penalties for causing the water of the undertakers to be fouled, &c. |
| | | 62. Penalty for permitting substances produced in making gas to flow into the undertakers' works— Penalty to be sued for within six months. |
| | | 63. Daily penalty during the continuance of the offence. |
| | | 64. Penalty on gas makers causing water to be fouled. |
| <i>Water Rates.</i> | { | 65. Power to examine gas pipes to ascertain cause of water being fouled. |
| | | 66. The expenses to abide the result of the examination. |
| | | 67. How expense to be ascertained. |
| | | 68. Rates to be payable according to the annual value of the premises. |
| <i>Profits of the Undertakers.</i> | { | 69. Where several houses supplied by one pipe, each to pay. |
| | | 70. Rates to be paid quarterly. |
| | | 71. Parties giving notice to discontinue use of water, or removing to pay to the next quarter day. |
| | | 72. Owners of houses not exceeding 10l. rent to be liable to water rates. |
| <i>Recovery of Damages and Penalties.</i> | { | 73. Tenants under existing leases to repay the owner. |
| | | 74. Rates how to be recovered. |
| | | 75. Profits of the company to be limited. |
| | | 76. If profits exceed the amount limited, excess to be invested and form a reserve fund. |
| <i>Access to Special Act.</i> | { | 77. Reserve fund not to be resorted to unless to meet an extraordinary claim. |
| | | 78. When fund amount to prescribed sum interest to be applied to purposes of the undertaking. |
| | | 79. If profits are less than the prescribed rate, a sum may be taken from reserved fund to supply deficiency. |
| | | 80. If profits are more than the amount prescribed a rateable reduction to be made in the price of water. |
| <i>By this Act,</i> | { | 81. Court may order petitioner to pay the costs of groundless petition. |
| | | 82. Penalty on undertakers refusing to produce books, vouchers, &c. |
| | | 83. Annual account to be made up by undertakers, and sent to the clerk of the peace in England or Ireland, or to the sheriff clerk in Scotland, and to be open to inspection. |
| | | 84. Tender of amends. |
| <i>Recovery of Damages and Penalties.</i> | { | 85. Railways Clauses Consolidation Acts, 1845, as to damages, &c., to be incorporated with this and the special Act. |
| | | 86. In Ireland, part of penalties to be paid to Guardians of Unions. |
| | | 87. All things required to be done by two Justices in England and Ireland may, in certain cases be done by one, and in Scotland by the sheriff, &c. |
| | | 88. Penalties, &c. imposed in respect of offences committed within the metropolitan police district, to be paid to the receiver, and applied under 2 & 3 Vict. c. 71. |
| <i>Access to Special Act.</i> | { | 89. Persons giving false evidence liable to penalties of perjury. |
| | | 90. Copies of special Act to be kept by undertakers in their office, and deposited with the clerks of the peace, &c., and be open to inspection. |
| | | 91. Penalty on undertakers failing to keep or deposit such copies. |
| | | 92. Undertakers not exempt from the provisions of 57 Geo. 3. c. xxix., or from the laws regulating sewers. |
| <i>Access to Special Act.</i> | { | 93. Undertakers not exempt from provisions of any future general Act. |
| | | 94. Act may be amended, &c. |

By this Act,

After reciting that it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament authorizing the construction of waterworks for supplying towns with water, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves:—

It is Enacted,

1. That this Act shall extend only to such waterworks as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith, and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, with the clauses of every other Act which shall be incorporated therewith, form part of such Act, and be construed therewith as forming one Act.

And with respect to the construction of this Act and any Act incorporated therewith, it is enacted as follows:—

11. The expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction of waterworks, and with which this Act shall be incorporated; and the word "prescribed" used in this Act in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act," had been used; and the expression "the lands and streams" shall mean the lands and streams of water which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression "the undertaking" shall mean the waterworks, and the works connected therewith.

by the special Act authorized to be constructed; and the expression "the undertakers" shall mean the persons by the special Act authorized to construct the waterworks.

III. The following words and expressions, in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number only shall include also the singular number:

Words importing the masculine gender shall include females:

The word "person" shall include a corporation, whether aggregate or sole:

The word "lands" shall include messuages, lands, tenements, and hereditaments, or heritages of any tenure:

The word "streams" shall include springs, brooks, rivers, and other running waters:

The word "street" shall include any square, court, or alley, highway, lane, road, thoroughfare, or public passage or place within the limits of the special Act:

The expression "the waterworks" shall mean the waterworks, and the works connected therewith, by the special Act authorized to be constructed:

The expression "water-rate" shall include any rent, reward, or payment to be made to the undertakers for a supply of water.

The word "month" shall mean calendar month:

The expression "superior courts," where the matter submitted to the cognizance of the Court arises in England or Ireland, shall mean Her Majesty's superior courts of record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the County Palatine of Lancaster and the Court of Pleas of the county of Durham, and where such matter arises in Scotland it shall mean the Court of Session:

The word "oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath:

The word "county" shall include riding or other division of a county having a separate commission of the peace, and in Scotland stewardry, and any ward or other division of a county or stewardry having a separate sheriff, and it shall also include county of a city or county of a town:

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises; and if such matter arise in respect of lands or streams situated not wholly in one jurisdiction, shall mean a Justice acting for the county or place where any part of such lands or streams shall be situated; and where any matter is authorized or required to be done by two Justices, the expression "Two Justices" shall be understood to mean two or more Justices met and acting together:

The word "sheriff" shall mean the sheriff depute of the county or ward of a county in Scotland and the steward depute of the stewardry in Scotland in which the matter submitted to the cognizance of the sheriff arises, and shall include the substitutes of such sheriff depute and steward depute respectively:

The expression "Quarter Sessions" shall mean quarter sessions as defined in the special Act, and if such expression be not there defined it shall mean the Court of General or Quarter Sessions of the peace which shall be held at the place nearest to the Waterworks, or the principal office thereof, for the county or place in which the waterworks, or the principal office thereof, is situate, or for some division of such county having a separate commission of the peace:

The expression "the town Commissioners" shall mean the parties defined under that title in the special Act, and where no such parties shall be there defined shall mean the Commissioners, trustees, or other parties having the controul or management of the streets under any Act for paving or improving the town or district to be supplied with water under the special Act:

The word "inspector" shall mean an officer appointed under any local Act relating to the town or district supplied with water under the special Act, for the purpose of inspecting or superintending works connected with the paving, drainage, or supply of water of such town or district, or an officer appointed under any general Act for executing the like duties with respect to such town or district together with other towns or districts.

And with respect to citing this Act, or any part thereof, it is enacted as follows:—

IV. In citing this Act in other Acts of Parliament, and in legal instruments, it shall be enough to use the expression "The Waterworks Clauses Act, 1847."

V. For the purpose of incorporating part only of this Act with any Act hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act with the exception of the clauses so described, shall be incorporated with such Act, and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

And with respect to the construction of the waterworks, it is enacted as follows:—

VI. Where by the special Act the undertakers shall be empowered, for the purpose of constructing or supplying waterworks, to take or use any lands or streams otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the powers so given to them be subject to the provisions and restrictions contained in this Act, and if the waterworks be situated in England or Ireland, to the provisions and restrictions contained in the Lands Clauses Consolidation Act, 1845, and if the waterworks be situated in Scotland, the provisions and restrictions contained in the Lands Clauses Consolidation, Scotland, Act, 1845; and shall make to the owners and occupiers of and all other parties interested in any lands or streams taken or used for the purposes of the special Act, or injuriously affected by the construction or maintenance of the works thereby authorized, or otherwise by the execution of the powers thereby conferred, full compensation for the

value of the lands and streams so taken or used, and for all damage sustained by such owners, occupiers, and other persons, by reason of the exercise, as to such lands and streams, of the powers vested in the undertakers by this or the special Act, or any Act incorporated therewith; and except where otherwise provided by this or the special Act, the amount of such compensation shall be determined in the manner provided by the said Lands Clauses Consolidation Acts respectively for determining questions of compensation with regard to lands purchased or taken under the provisions thereof, and all the provisions of the said last-mentioned Acts respectively shall be applicable to determine the amount of any such compensation, and to enforce payment or other satisfaction thereof.

VII. If any omission, mis-statement, or wrong description shall have been made of any lands or streams, or of the owners, lessees, or occupiers of any lands or streams, described on the plans or books of reference deposited in compliance with the Standing Orders of either House of Parliament, or in the schedule to the special Act, the undertakers, after giving ten days notice to the owners, lessees and occupiers of the lands and streams affected by such proposed correction, may apply, in England or Ireland, to two Justices, and in Scotland to the sheriff, for the correction thereof; and if it appear to such Justices or sheriff that such omission, mis-statement, or wrong description arose from mistake, they or he shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, mis-statement or wrong description; and such certificate, with the other documents to which it relates, shall be deposited, in England or Ireland, with the clerk of the peace, and in Scotland with the sheriff clerk of the several counties in which the lands or streams affected thereby are situated, or, where any such lands or streams are situated in a royal burgh in Scotland, with the town clerk of such burgh; and such certificate shall be kept by such clerks of the peace, sheriff clerks, or town clerks respectively with the other documents to which they relate; and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and the undertakers may make the works in accordance with such certificate, as if such omission, mis-statement, or wrong description had not been made.

VIII. The undertakers shall not begin to execute the waterworks unless they shall have previously deposited with the clerk of the peace in England or Ireland, and the sheriff clerk in Scotland, of every county, and the town clerk of every royal burgh in Scotland, in which the waterworks shall be situated, a plan and section of all such alterations from the original plan and section (if any) as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section of the waterworks, and shall also have deposited with the parish clerks of the several parishes in England, and the clerks of the unions of the several parishes in Ireland, and the schoolmasters of the several parishes in Scotland, in which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

IX. The said clerks of the peace, sheriff clerks, and town clerks, parish clerks, clerks of unions, and schoolmasters, shall receive the said plans and sections of alterations, and copies and extracts thereof respectively, and shall keep the same, as well as the said original plans and sections, and shall allow all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of the original plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled 'An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

X. Copies of the said plans and books of reference, or of any alteration or correction thereof or extracts therefrom, certified by any such clerk of the peace, sheriff clerk, or town clerk, which certificate such clerk shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

XI. The undertakers in constructing the waterworks shall not deviate from the line of the works laid down in the said plan more than the prescribed number of yards, and where no number of yards is prescribed not more than ten yards, nor in any case to any greater extent than the line of lateral deviation described in the said plans with respect to such works, nor take nor use, for the purpose of such deviation, the lands of any person not mentioned in the books of reference, without his previous consent in writing, unless the name of such person shall have been omitted by mistake, and the fact that such omission happened from mistake shall have been certified in manner hereinbefore provided.

XII. Subject to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, the undertakers may execute any of the following works for constructing the waterworks; (that is to say),

They may enter upon any lands and other places described on the said plans and in the said books of reference, and take levels of the same, and set out such parts thereof as they shall think necessary, and dig and break up the soil of such lands, and trench and sough the same, and remove or use all earth, stone, mines, minerals, trees, or other things dug or gotten out of the same:

They may from time to time sink such wells or shafts, and make, maintain, alter or discontinue such reservoirs, waterworks, cisterns, tanks, aqueducts, drains, cuts, sluices, pipes, culverts, engines and other works, and erect such buildings, upon the lands and streams authorized to be taken by them, as they shall think proper, for supplying the inhabitants of the town or district within the prescribed limits with water:

They may from time to time divert and impound the water from the streams mentioned for that purpose in the special Act, or the said plans or books of reference, and alter the course of any such streams, not being navigable, and also take such waters as may be found in and under or on the lands to be taken for constructing the works: Provided always, that in the exercise of the said powers the undertakers shall do as little damage as can be, and in all cases where it can be done shall provide other watering places, drains and channels for the use of adjoining lands, in place of any such as shall be taken away or interrupted by them, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.

XIII. Every person who shall wilfully obstruct any person acting under the authority of the undertakers in setting out the line of the works, or pull up or remove any poles or stakes driven into the ground for the purpose of acting out the line of

such works, or deface or destroy any works made for the same purpose, shall be liable to a penalty not exceeding 5*l*. for every such offence.

xiv. After the streams or supplies of water hereby or by the special Act authorized to be taken by the undertakers shall have been so taken, every person who shall illegally divert or take the waters supplying or flowing into the streams so taken, or any part thereof, or who shall do any unlawful act whereby the said streams or supplies of water may be drawn off or diminished in quantity, and who shall not immediately repair the injury done by him, on being required so to do by the undertakers, so as to restore the said waters to the state in which they were before such Act, shall forfeit to the undertakers any sum which shall be awarded, in England or Ireland, by two Justices, and in Scotland by the sheriff, not exceeding 5*l*. for every day during which the said supply of water shall be diverted or diminished by reason of any act done by or by the authority of such person, and any sum so forfeited shall be in addition to the sum which he may be lawfully adjudged liable to pay to the undertakers for any damage which they may sustain by reason of their supply of water being diminished; and the payment of the sum so forfeited shall not bar or affect the right of the undertakers to bring or raise an action at law against such person for the damage so committed.

xv. Provided always, That nothing herein contained shall prevent the owners and occupiers for the time being of lands through or by which such streams shall flow from using the waters thereof in such manner and to such extent as they might have done before the passing of the special Act, unless they shall have received compensation in respect of their right of so using such water.

And with respect to the construction of works for the accommodation of lands adjoining the waterworks, it is enacted as follows :—

xvi. Where by the special Act the undertakers shall be required to erect any works for making good the interruption caused to any lands adjoining or near the waterworks, or otherwise, for the accommodation of such lands, then if any difference shall arise respecting the construction of any such accommodation works, or the kind or size or sufficiency thereof, or respecting the maintenance thereof, the same shall be determined in England or Ireland by two Justices, and in Scotland by the sheriff, and such Justices or sheriff shall also appoint the time within which such accommodation works shall be begun and finished by the undertakers.

xvii. If the undertakers shall for fourteen days next after the time appointed by such Justices or sheriff for the beginning of any such accommodation works fail to begin such works, or, having begun such works, fail diligently to execute the same in a sufficient manner, the person aggrieved by such failure may execute such works or repairs; and the reasonable expenses thereof shall, on demand, be repaid by the undertakers to the person by whom the same shall so have been executed; and if there be any dispute about the amount or nature of such expenses, the same shall be settled in England or Ireland by two Justices, and in Scotland by the sheriff.

And with respect to mines, it is enacted as follows :—

xviii. The undertakers shall not be entitled to any mines of coal, ironstone, slate, or other minerals under any land purchased by them, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of the waterworks, unless the same shall have been expressly purchased, and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

xix. The undertakers shall from time to time, within six months from the time at which any pipes, conduits, or underground works shall have been laid down or formed by them, cause a survey and map to be made of the district within which any such pipes or underground works shall be laid, on a scale not less than one foot to a mile, and shall cause to be marked thereon the course and situation of all existing pipes or conduits for the collection, passage, or distribution of water, and underground works belonging to them, in order to shew all such underground works within the said district, and shall, within six months from the making of any alterations or additions, cause the said map to be from time to time corrected, and such additions made thereto as may shew the line and situation of all such pipes, conduits, and underground works as may be laid down or formed by them from time to time after the passing of the special Act, and such map and plan, or a copy thereof, with the date expressed thereon of the last time when the same shall have been so corrected as aforesaid, shall be kept in the office of the undertakers, and shall be open to the inspection of all persons interested in the same within the said district.

xx. The undertakers shall, from time to time, within three months from the time at which any such map or plan, or any such correction thereof, or addition thereto, shall have been made as aforesaid, deposit with the clerks of the peace in England or Ireland, and with the sheriff clerks in Scotland, of every county, and the town clerk of every burgh in Scotland, in which such district or any part thereof may be situate, and also with the parish clerks of the several parishes in England, and clerks of the union of the several parishes in Ireland, and the schoolmaster of the several parishes in Scotland, in which such underground works shall be situate, copies of the said map or plan, with all such particulars, and all such corrections and additions as aforesaid, so far as relates to such counties, burghs, and parishes respectively.

xxi. The said clerks of the peace, sheriff clerks, and town clerks, parish clerks, clerks of the union, and schoolmasters shall receive the said copies of the said map and plan respectively, and shall keep the same, and shall allow all persons interested to inspect the same, and take copies or extracts of and from the same, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of maps and plans deposited under an Act, 7 Will. 4. & 1 Vict. c. 83, intituled, 'An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

xxii. Except where otherwise provided for by agreement between the undertakers and other parties, if the owner, lessee, or occupier of any mines or minerals lying under the reservoirs or buildings belonging to the undertakers, or under any of

their pipes or works which shall be under ground, and shall be described in the map or plan which shall be so kept and deposited as hereinbefore mentioned, or within the prescribed distance, if any, and if no distance be prescribed within forty yards therefrom, be desirous of working the same, such owner, lessee, or occupier shall give the undertakers notice in writing of his intention so to do thirty days before the commencement of working; and upon the receipt of such notice it shall be lawful for the undertakers to cause such mines to be inspected by any person appointed by them for the purpose, and if it appear to the undertakers that the working of such mines or minerals is likely to damage the said works, and if they be willing to make compensation for such mines to such owner, lessee, or occupier thereof, then he shall not work the same; and if the undertakers and such owner do not agree as to the amount of such compensation the same shall be settled as in other cases of disputed compensation.

XXIII. If before the expiration of such thirty days the undertakers do not state their willingness to treat with such owner, lessee, or occupier for the payment of such compensation, it shall be lawful for him to work the said mines, and to drain the same, by means of engines or otherwise, as if this Act and the special Act had not been passed, so that no wilful damage be done to the said works, and so that the said mines be not worked in an unusual manner; and if any damage or obstruction be occasioned to the works of the undertakers by the working of such mines in an unusual manner the same shall be forthwith repaired or removed (as the case may require), and such damage made good, by the owner, lessee, or occupier of such mines or minerals, and at his own expense, and if such repair or removal be not forthwith done, or if the undertakers shall so think fit, without waiting for the same to be done by such owner, lessee, or occupier, it shall be lawful for the undertakers to execute the same, and recover from such owner, lessee, or occupier the expense occasioned thereby by action in any of the superior courts.

XXIV. If the working of any such mines under the said works of the undertakers or within the above-mentioned distance therefrom be prevented as aforesaid by reason of apprehended injury to such works, it shall be lawful for the respective owners, lessees, and occupiers of such mines to cut and make such and so many airways, headways, gateways, or water levels through the mines, measures, or strata the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work any mines or minerals on each or either side thereof, but no such airway, headway, gateway, or water level shall be of greater dimensions or sections than the prescribed dimensions or sections, and where no dimensions are prescribed eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the said works so as to injure the same.

XXV. Except where otherwise provided for by agreement the undertakers shall from time to time pay to the owner, lessee, or occupier of any mines of coal, ironstone, and other minerals extending so as to lie on both sides of any reservoirs, buildings, pipes, conduits, or other works, all such additional expenses and losses as shall be incurred by such owner, lessee, or occupier by reason of the severance of the lands over such mines or minerals by such reservoirs or other works, or of the continuous working of such mines or minerals being interrupted as aforesaid, or by reason of the same being worked under the restrictions contained in this or the special Act; and for any mines or minerals not purchased by the undertakers which cannot be obtained by reason of making and maintaining the said works, or by reason of such apprehended injury from the working thereof as aforesaid; and if any dispute or question shall arise between the undertakers and such owner, lessee, or occupier as aforesaid touching the price of such minerals, the same shall be settled by arbitration in such manner as is provided by the Lands Clauses Consolidation Act if the undertaking shall be situate in England or Ireland, and by the Lands Clauses Consolidation (Scotland) Act if the undertaking shall be situate in Scotland.

XXVI. For better ascertaining whether any such mines are being worked or have been worked so as to damage the said works it shall be lawful for the undertakers, after giving twenty-four hours' notice in writing, to enter upon any lands through or near which the said works are situate, and wherein any such mines are being worked or are supposed so to be, and to enter into and return from any such mines or the works connected therewith, and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the said works to the parts of such mines which are being worked or about to be worked.

XXVII. Nothing in this or the special Act shall prevent the undertakers from being liable to any action or other legal proceeding to which they would have been liable for any damage or injury done or occasioned to any mines by means or in consequence of the waterworks, in case the same had not been constructed or maintained by virtue of this Act or the special Act.

And with respect to the breaking up of streets for the purpose of laying pipes, it is enacted as follows:—

XXVIII. The undertakers, under such superintendence as is hereinafter specified, may open and break up the soil and pavement of the several streets and bridges within the limits of the special Act, and may open and break up any sewers, drains, or tunnels within or under such streets and bridges, and lay down and place within the same limits pipes, conduits, service pipes, and other works and engines, and from time to time repair, alter, or remove the same, and for the purposes aforesaid remove and use all earth and materials in and under such streets and bridges, and do all other acts which the undertakers shall from time to time deem necessary for supplying water to the inhabitants of the district included within the said limits, doing as little damage as can be in the execution of the powers hereby or by the special Act granted, and making compensation for any damage which may be done in the execution of such powers.

XXIX. Provided always, That nothing herein contained shall authorize or empower the undertakers to lay down or place any pipe, conduit, service pipe, or other work in any land not dedicated to public use without the consent of the owners and occupiers thereof except that the undertakers at any time may enter upon and lay or place any new pipe in the place of an existing pipe in any land wherein any pipe hath been already lawfully laid down or placed in pursuance of this or the special Act, or any other Act of Parliament, and may repair or alter any pipe so laid down.

XXX. Before the undertakers open or break up any street, bridge, sewer, drain, or tunnel, they shall give to the persons under whose controul or management the same may be, or to their clerk, surveyor, or other officer, notice in writing of their

intention to open or break up the same, not less than three clear days before beginning such work except in cases of emergency, arising from defects in any of the pipes or other works, and then so soon as is possible after the beginning of the work, or the necessity for the same shall have arisen.

XXXI. No such street, bridge, sewer, drain, or tunnel shall, except in the cases of emergency aforesaid, be opened or broken up, except under the superintendence of the persons having the controul or management thereof, or of their officer, and according to such plan as shall be approved of by such persons or their officer, or in case of any difference respecting such plan, then according to such plan as shall be determined by two Justices; and such Justices may, on the application of the persons having the controul or management of any such sewer or drain, or their officer, require the undertakers to make such temporary or other works as they may think necessary for guarding against any interruption of the drainage during the execution of any works which interfere with any such sewer or drain: Provided always, that if the persons having such controul or management as aforesaid, and their officer, fail to attend at the time fixed for the opening of any such street, bridge, sewer, drain, or tunnel, after having had such notice of the intention of the undertakers as aforesaid, or shall not propose any plan for breaking up or opening the same, or shall refuse or neglect to superintend the operation, the undertakers may perform the work specified in such notice without the superintendence of such persons, or their officer.

XXXII. When the undertakers open or break up the road or pavement of any street or bridge, or any sewer, drain, or tunnel, they shall with all convenient speed complete the work for which the same shall be broken up, and fill in the ground, and reinstate and make good the road or pavement, or the sewer, drain, or tunnel, so opened or broken up, and carry away the rubbish occasioned thereby, and shall at all times whilst any such road or pavement shall be so opened or broken up cause the same to be fenced and guarded, and shall cause a light sufficient for the warning of passengers to be set up and kept thereagainst, every night during which such road or pavement shall be continued open or broken up, and shall, after replacing and making good the road or pavement which shall have been so broken up, keep the same in good repair for three months thereafter, and such further time, if any, not being more than twelve months in the whole, as the soil so broken up shall continue to subside.

XXXIII. If the undertakers open or break up any street or bridge, or any sewer, drain, or tunnel, without giving such notice as aforesaid, or in a manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other works as aforesaid, when so required, except in the cases in which the undertakers are authorized to perform such works without any superintendence or notice, or if the undertakers make any unnecessary delay in completing any such work, or in filling in the ground, or reinstating and making good the road or pavement, or the sewer, drain, or tunnel, so opened or broken up, or in carrying away the rubbish occasioned thereby, or if they neglect to cause the place where such road or pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the road or pavement in repair for the space of six months next after the same is made good, or such further time as aforesaid, they shall forfeit to the persons having the controul or management of the street, bridge, sewer, drain, or tunnel in respect of which such default is made a sum not exceeding 5*l*. for every such offence, and an additional sum of 5*l*. for each day during which any such delay as aforesaid shall continue after they shall have received notice thereof.

XXXIV. If any such delay or omission as aforesaid shall take place the persons having the controul or management of the street, bridge, sewer, drain, or tunnel in respect of which such delay or omission shall take place may cause the work so delayed or omitted to be executed, and the expense of executing the same shall be repaid to such persons by the undertakers, and such expenses may be recovered in the same way as damages are recoverable under this and the special Act.

And with respect to the supply of water to be furnished by the undertakers, it is enacted as follows:—

XXXV. The undertakers shall provide and keep in the pipes to be laid down by them a supply of pure and wholesome water, sufficient for the domestic use of all the inhabitants of the town or district within the limits of the special Act, who, as hereinafter provided, shall be entitled to demand a supply, and shall be willing to pay water rate for the same; and such supply shall be constantly laid on at such a pressure as will make the water reach the top story of the highest houses within the said limits, unless it be provided by the special Act that the water to be supplied by the undertakers need not be constantly laid on under pressure; and the undertakers shall cause pipes to be laid down and water to be brought to every part of the town or district within the limits of the special Act whereunto they shall be required by so many owners or occupiers of houses in that part of the town or district, as that the aggregate amount of water rate payable by them annually at the rates specified in the special Act shall be not less than one-tenth part of the expense of providing and laying down such pipes; provided that no such requisition shall be binding on the undertakers unless such owners or occupiers shall severally execute an agreement binding themselves to take such supply of water for three successive years at least.

XXXVI. If for twenty-eight days after demand in writing made to the undertakers, and tender made of an agreement signed by such number of owners or occupiers as aforesaid, to take and pay for a supply of water for three years or more, the undertakers shall refuse or neglect to lay down pipes in the manner hereinbefore directed, and to provide such supply of water as aforesaid or as provided by the special Act, they shall forfeit to each of such owners and occupiers the amount of rate which he would be liable to pay under such agreement, and also the further sum of 40*l*. for every day during which they shall refuse or neglect to lay down such pipes, or to provide such supply of water: Provided always, that the undertakers shall not be liable to any penalty for not supplying water if the want of such supply shall arise from frost, unusual drought, or other unavoidable cause or accident.

XXXVII. In all the pipes to which any fire-plug shall be fixed the undertakers shall provide and keep constantly laid on, unless prevented by frost, unusual drought, or other unavoidable accident, or during necessary repairs, a sufficient supply of water for the following purposes; (that is to say), for cleansing the sewers and drains, for cleansing and watering the streets, and for supplying any public pumps, baths, or wash-houses that may be established for the free use of the inhabitants, or paid for out of any poor-rates or borough rates levied within the limits of the special Act; and such supply shall be provided as

such rates, in such quantities, and upon such terms and conditions as may be agreed upon by the town Commissioners and the undertakers, or, in case of disagreement, as shall be settled in England or Ireland by two Justices, and in Scotland by the sheriff, until in either case an inspector shall have been appointed, and after the appointment of such inspector, by the inspector so appointed.

xxxviii. The undertakers, at the request of the town Commissioners, shall fix proper fire-plugs in the main and other pipes belonging to them, at such convenient distances, not being more than the prescribed distance, or, if no distance be prescribed, not more than 100 yards from each other, and at such places as may be most proper and convenient for the supply of water for extinguishing any fire which may break out within the limits of the special Act; and in case of any difference of opinion as to the proper position or number of such fire-plugs, it shall be settled by such inspector as aforesaid, when appointed, and in the meantime by two Justices in England or Ireland, and by the sheriff in Scotland.

xxxix. The undertakers shall from time to time renew and keep in effective order every such fire-plug; and as soon as any such fire-plug is completed they shall deposit a key thereof at each place within the limits of the special Act where any public fire-engine is kept, and in such other places as may be appointed by the town Commissioners, and shall put up a public notice in some conspicuous place in each street in which such fire-plug is situated showing its situation, which notice the undertakers may put up on any house or building in such street.

xl. The cost of such fire-plugs, and the expense of fixing, placing, and maintaining the same in repair, and of providing such keys as aforesaid, shall be defrayed by the town Commissioners.

xli. The undertakers shall, at the request and expense of the owner or occupier of any work or manufactory situated in any street in which there shall be a pipe of the undertakers, place and maintain in effective order a fire-plug (to be used only for extinguishing fires) as near as conveniently may be to such work or manufactory.

xlii. The undertakers shall at all times keep charged with water, under such pressure as aforesaid, all their pipes to which fire-plugs shall be fixed, unless prevented by frost, unusual drought, or other unavoidable cause or accident, or during necessary repairs, and shall allow all persons at all times to take and use such water for extinguishing fire, without making compensation for the same.

xliii. If, except when prevented as aforesaid, the undertakers neglect or refuse to fix, maintain, or repair such fire-plugs, or to furnish to the town Commissioners a sufficient supply of water for the public purposes aforesaid, upon such terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, they neglect to keep their pipes charged under such pressure as aforesaid, or neglect or refuse to furnish to any owner or occupier entitled under this or the special Act to receive a supply of water during any part of the time for which the rates for such supply have been paid or tendered they shall be liable to a penalty of 10*l.*, and shall also forfeit to the town Commissioners, and to every person having paid or tendered the rate, the sum of 40*s.* for every day during which such refusal or neglect shall continue after notice in writing shall have been given to the undertakers of the want of supply.

And with respect to the communication pipes to be laid by the undertakers, it is enacted as follows:—

xliv. The undertakers shall, upon the request of the owner of any dwelling-house in any street in which pipes shall have been laid down by them, the annual value of which house shall not exceed 10*l.*, or upon request of the occupier, with the consent in writing of the owner or reputed owner of any such house, or of the agent of such owner, and upon payment or tender of the proportion of water-rate in respect of such house by this or the special Act made payable in advance, lay down communication pipes and other necessary works for the supply of such house with water for domestic or other purposes, and shall keep the same in repair, and thereupon the occupier of such house shall be entitled to have a sufficient supply of water for his domestic purposes from the undertakers; and the undertakers may charge for such pipes and works, in addition to the water rate, such reasonable annual rent as shall be agreed upon, or in case of dispute, as shall be settled by such inspector as aforesaid, when appointed, and in the meantime as shall in England or Ireland be settled by two Justices, and in Scotland by the sheriff; and such rent shall be chargeable on and recoverable from the occupier, or, in his default, from the owner of such house, at the same times and in the same manner as water-rates; and such pipes and other works shall not be subject to distress or to the landlord's hypothec for rent, nor to be taken in execution under any process of a court of law or equity, or under any fiat or sequestration in bankruptcy, against such occupier or against such owner, unless he shall have become the proprietor of the said pipes and works under the provisions hereinafter contained.

xlvi. If, upon such request and consent, and upon tender or payment of such proportion of rate as aforesaid, the undertakers for seven days neglect or refuse to lay down such communication pipes or other works, they shall be liable to forfeit to the person so making such request the sum of 5*l.*, and a further sum of 40*s.* for every day during which such refusal or neglect shall continue after seven days from the making of such request and tender as aforesaid.

xlvii. If the occupier for the time being of the house in which any such communication pipes or other works and engines shall have been laid down by the undertakers refuse to pay for a supply of water, or if such house be unoccupied for twelve months, the undertakers may demand from the owner thereof payment of the amount of the principal money invested by them in providing and laying down such communication pipes and other works and engines; and if such owner, after ten days' notice given to him by the undertakers, neglect or refuse to pay such principal money, the undertakers may enter the house and remove such pipes and other works; and the balance of such principal money, after deducting the value of such pipes and other works, with all arrear of rent for such pipes and works, shall, in default of payment, be recovered, with the costs incurred, from the owner or from the occupier for the time being in the same manner as water rates are directed by this the special Act to be recovered: Provided always, that no greater sum shall be recovered from any such occupier than the amount of rent for the time being owing by him unless he refuse to discover the amount of rent owing by him; and that every such occupier shall be entitled to deduct from the amount of rent payable by him the sum so recovered from him, or which he shall have paid on demand.

XLVII. The owner or reputed owner of any house where any such communication pipes or other works shall have been laid down by the undertakers may at any time pay off the amount then due to the undertakers in respect of the costs of providing and laying down such pipes and works, and all rent at that time due in respect thereof, and thereupon such pipes and works shall become the property of such owner, and all further rent in respect thereof shall cease to accrue to the undertakers.

And with respect to the communication pipes to be laid by the inhabitants, it is enacted as follows:—

XLVIII. Any owner or occupier of any dwelling-house or part of a dwelling-house within the limits of the special Act who shall wish to have water from the waterworks of the undertakers brought into his premises, and who shall have paid or tendered to the undertakers the portion of water rate in respect of such premises by this or the special Act directed to be paid in advance, may open the ground between the pipes of the undertakers and his premises, having first obtained the consent of the owners and occupiers of such ground, and lay any leaden or other pipes from such premises, to communicate with the pipes of the undertakers, such pipes to be of a strength and material to be approved of by the undertakers, or, in case of dispute, to be settled in England or Ireland by two Justices, and in Scotland by the sheriff or in either case by the inspector to be appointed as aforesaid: Provided always, that every such owner or occupier shall, before he begins to lay any such pipe, give to the undertakers fourteen days' notice of his intention to do so.

XLIX. Before any pipe is made to communicate with the pipes of the undertakers, the person intending to lay such pipe shall give two days' notice to the undertakers of the day and hour when such pipe is intended to be made to communicate with the pipes of the undertakers; and every such pipe shall be so made to communicate under the superintendence and according to the directions of the surveyor or other officer appointed for that purpose by the undertakers, unless such surveyor or officer fail to attend at the time mentioned in the said notice; and in case of any dispute as to the manner in which such pipe shall be so made to communicate, it shall in England or Ireland be settled by two Justices, and in Scotland by the sheriff, or in either case by the inspector to be appointed as aforesaid.

L. The bore of any such pipe as last aforesaid shall not exceed the prescribed limits, and where no limit shall be prescribed it shall not exceed half an inch, except with the consent of the undertakers.

LI. Any person who shall have laid down any pipe or other works, or who shall have become the proprietor thereof, may remove the same, after having first given six days' notice in writing to the undertakers of his intention so to do, and of the time of such proposed removal, and every such person shall make compensation to the undertakers for any injury or damage to their pipes or works which may be caused by such removal; and every person who shall remove any such pipe or other works without giving such notice as aforesaid shall forfeit to the undertakers a sum not exceeding 5*l.* over and above the damage which he may be found liable to pay in any action at law, at the suit of the undertakers, for the damage done to their pipes or works.

LII. Any such owner or occupier may open or break up so much of the pavement of any street as shall be between the pipe of the undertakers and his house, building, or premises, and any sewer or drain therein, for any such purpose as aforesaid, doing as little damage as may be, and making compensation for any damage done in the execution of any such work: Provided always, that every such owner or occupier desiring to break up the pavement of any street, or any sewer or drain therein, shall be subject to the same necessity of giving previous notice, and shall be subject to the same controul, restriction, and obligations in and during the time of breaking up the same, and also re-instating the same, and to the same penalties for any delay in regard thereto, as the undertakers are subject to by virtue of this or the special Act.

LIII. Every owner and occupier of any dwelling-house, or part of a dwelling-house within the limits of the special Act shall, when he has laid such communication pipes as aforesaid, and paid or tendered the water rate payable in respect thereof, according to the provisions of this and the special Act, be entitled to demand and receive from the undertakers a sufficient supply of water for his domestic purposes.

And with respect to waste or misuse of the water supplied by the undertakers, it is enacted as follows:—

LIV. If by the special Act it be provided that the water to be supplied by the undertakers need not be constantly laid on under pressure, every person supplied with water shall, when required by the undertakers, provide a proper cistern to hold the water with which he shall be so supplied with a ball and stop cock in the pipe bringing the water from the works of the undertakers to such cistern, and shall keep such cistern, ball and stop cock in good repair, so as effectually to prevent the water from running to waste; and in case any such person shall, when required by the undertakers, neglect to provide such cistern, ball or stop cock, or to keep the same in good repair, the undertakers may cut off the pipe or turn off the water from the premises of such person until such cistern and ball and stop cock shall be provided or repaired, as the case may require.

LV. Every person supplied with water by the undertakers who shall suffer any such cistern, pipe, ball or stop cock to be out of repair, so that the water supplied to him by the undertakers shall be wasted, shall forfeit to the undertakers for every such offence a sum not exceeding 5*l.*

LVI. The undertakers may repair any such cistern, pipe, ball or stop cock, so as to prevent any such waste of water, and the expenses of such repair shall be repaid to them by the person so allowing the same to be out of repair, and may be received as damages.

LVII. The surveyor, or any other person acting under the authority of the undertakers, may between the hours of nine of the clock in the forenoon and four of the clock in the afternoon, enter into any house or premises supplied with water by virtue of this or the special Act in order to examine if there be any waste or misuse of such water; and if such surveyor or other person at any such time be refused admittance into such dwelling-house or premises for the purpose aforesaid, or be prevented from making such examination as aforesaid, the undertakers may turn off the water supplied by them from such house or other premises.

LVIII. Every owner or occupier of any tenement supplied with water under this or the special Act who shall supply to any other person or wilfully permit him to take any such water from any cistern or pipe in such tenement, unless for the purpose of extinguishing any fire, or unless he be a person supplied with water by the undertakers, and the pipes belonging to him, be, without his default, out of repair, shall forfeit to the undertakers for every such offence a sum not exceeding 5*l*.

LIX. Every person who, not having agreed to be supplied with water by the undertakers, shall take any water from any reservoir, watercourse, or conduit belonging to the undertakers, or any pipe leading to any such reservoir, watercourse, or conduit, or from any cistern or other like place containing water belonging to the undertakers, other than such as may have been provided for the gratuitous use of the public, shall forfeit to the undertakers for every such offence a sum not exceeding 10*l*.

LX. Every person who shall wilfully or carelessly break, injure, or open any lock, cock, valve, pipe, work, or engine belonging to the undertakers, or shall flush or draw off the water from the reservoirs or other works of the undertakers, or shall do any other wilful act whereby such water shall be wasted, shall forfeit to the undertakers for every such offence a sum not exceeding 5*l*.

And with respect to the provision for guarding against fouling the water of the undertakers, it is enacted as follows:—

LXI. Every person who shall commit any of the offences next hereinafter enumerated shall for every such offence forfeit to the undertakers a sum not exceeding 5*l*; (that is to say,)

Every person who shall bathe in any stream, reservoir, aqueduct, or other waterworks belonging to the undertakers, or wash, throw, or cause to enter therein any dog or other animal :

Every person who shall throw any rubbish, dirt, filth, or other noisome thing into any such stream, reservoir, aqueduct, or other waterworks as aforesaid, or wash or cleanse therein any cloth, wool, leather, or skin of any animal, or any clothes or other thing :

Every person who shall cause the water of any sink, sewer, or drain, steam-engine boiler, or other filthy water belonging to him or under his controul, to run or be brought into any stream, reservoir, aqueduct, or other waterworks belonging to the undertakers, or shall do any other act whereby the water of the undertakers shall be fouled :

And every such person shall forfeit a further sum of 20*s*. for each day (if more than one) that such last-mentioned offence shall be continued.

LXII. Every person making or supplying gas within the limits of the special Act who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, aqueduct, or waterworks belonging to the undertakers, or into any drain communicating therewith, any washing or other substance which shall be produced in making or supplying gas, or who shall wilfully do any act connected with the making or supplying of gas whereby the water in any such stream, reservoir, aqueduct, or waterworks shall be fouled, shall forfeit to the undertakers for every such offence the sum of 200*l*.; and such penalty shall be recovered, with full costs of suit, in any of the superior courts; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it has ceased.

LXIII. In addition to the said penalty of 200*l*., and whether such penalty have been recovered or not, the person making or supplying gas as aforesaid shall forfeit to the undertakers the sum of 20*l*., to be recovered in like manner for each day during which such washing or substance shall be brought or shall flow as aforesaid, or during which the act shall continue by which such water is fouled, after the expiration in either case of twenty-four hours from the time when notice of the offence has been served on such person by the undertakers.

LXIV. Whenever the water supplied by the undertakers shall be fouled by the gas of any person making or supplying gas within the limits of the special Act, such person shall forfeit to the undertakers for every such offence a sum not exceeding 200*l*., and a further sum not exceeding 10*l*. for each day during which the offence shall continue after the expiration of twenty-four hours from the service of notice of such offence.

LXV. For the purpose of ascertaining whether the water of the undertakers be fouled by the gas of any person making or supplying gas within the limits of the special Act, the undertakers may dig up the ground, and examine the pipes, conduits, and works of the persons making or supplying gas; provided that before proceeding so to dig and examine the undertakers shall give twenty-four hours' notice in writing to the person so making or supplying gas of the time at which such digging and examination is intended to take place, and they shall give the like notice to the persons having the controul or management of the pavements or place where such digging shall take place, and they shall be subject to the like obligation of reinstating the road and pavement, and to the same penalties for delay or any nonfeasance or misfeasance therein, as heretofore provided with respect to roads and pavements broken up by them for laying their pipes.

LXVI. If upon such examination it appear that such water has been fouled by any gas belonging to such person, the expenses of the digging, examination, and repair of the street or place disturbed in any such examination shall be paid by the person making or supplying gas; but if upon such examination it appear that the water has not been fouled by the gas of such person, then the undertakers shall pay all the expenses of the examination and repair, and also make good to the said person any injury which may be occasioned to his works by such examination.

LXVII. The amount of the expenses of every such examination and repair, and any injury done to the undertakers, shall, in case of any dispute about the same, together with the costs of ascertaining and recovering the same, be ascertained and recovered in the same manner as damages for the ascertaining and recovery whereof no special provision is made are directed to be ascertained and recovered.

And with respect to the payment and recovery of the water rates, it is enacted as follows:—

LXVIII. The water rates, except as hereinafter and in the special Act mentioned, shall be paid by and be recoverable from

the person requiring, receiving, or using the supply of water, and shall be payable according to the annual value of the tenement supplied with water, and if any dispute arise as to such value the same shall be determined by two Justices.

LXX. When several houses or parts of houses in the separate occupation of several persons are supplied by one common pipe, the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been supplied with water from the works of the undertakers by a separate pipe.

LXXI. The rates shall be paid in advance by equal quarterly payments, in England or Ireland, at Christmas Day, Lady Day, Midsummer Day, and Michaelmas Day, and in Scotland at Martinmas, Candlemas, Whitsuntide, and Lammas, and the first payment shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the undertakers, or at the time when the agreement to take water from the undertakers is made.

LXXII. The occupier of any dwelling-house or part of a dwelling-house liable to the payment of any water rate, who shall give notice of his intention to discontinue the use of the water supplied by the undertakers, or who shall remove from his dwelling between any two quarterly days of payment, shall pay the water rate in respect of such dwelling-house or part of a dwelling-house for the quarter ending on the quarterly day of payment next after his quitting the same or giving such notice.

LXXIII. The owners of all dwelling-houses or parts of dwelling-houses occupied as separate tenements, the annual value of which houses or tenements shall not exceed the sum of 10*l.*, shall be liable to the payment of the rates instead of the occupiers thereof; and the powers and provisions herein or in the special Act contained for the recovery of rates from occupiers shall be construed to apply to the owners of such houses and tenements; and the person receiving the rents of any such house or tenement as aforesaid from the occupier thereof, on his own account, or as agent or receiver for any person interested therein, shall be deemed the owner of such house or tenement.

LXXIV. Provided always, That when any owner shall pay any such rate in respect of any such dwelling-house or part of a dwelling-house which shall be in the occupation of any tenant under any lease or agreement made prior to the passing of the special Act, such tenant shall repay to the owner all sums which shall be so by him paid during the continuance of such lease, unless it have been agreed that the owner shall pay the water rates in respect of such dwelling-house or part of a dwelling-house; and every such sum of money payable by the tenant to the owner, under the provision hereinbefore contained, may be recovered, if the same be not paid upon demand, as arrears of rent could be recovered from the occupier by the said owner.

LXXV. If any person supplied with water by the undertakers, or liable as herein or in the special Act provided to pay the water rate, neglect to pay such water rate at any of the said times of payment thereof, the undertakers may stop the water from flowing into the premises in respect of which such rate is payable, by cutting off the pipe to such premises, or by such means as the undertakers shall think fit, and may recover the rate due from such person, if less than 20*l.*, with the expenses of cutting off the water, and costs of recovering the rate, in the same manner as any damages for the recovery of which no special provision is made are recoverable by this or the special Act; or if the rate so due amount to 20*l.* or upwards, the undertakers may recover the same, with the expenses of cutting off the water, by action in any court of competent jurisdiction.

And with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, it is enacted as follows:—

LXXV. The profits of the undertaking to be divided among the undertakers in any year shall not exceed the prescribed rate, or where no rate is prescribed they shall not exceed the rate of 10*l.* in the hundred by the year on the paid-up capital in the undertaking, which in such case shall be deemed the prescribed rate, unless a larger dividend be at any time necessary to make up the deficiency of any previous dividend which shall have fallen short of the said yearly rate.

LXXVI. If the clear profits of the undertaking in any year amount to a larger sum than is sufficient, after making up the deficiency in the dividends of any previous year as aforesaid, to make a dividend at the prescribed rate, the excess beyond the sum necessary for such purpose shall from time to time be invested in government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to the prescribed sum, or if no sum be prescribed to a sum equal to one-tenth part of the nominal capital of the undertakers, which sum shall form a reserved fund to answer any deficiency which may at any time happen in the amount of divisible profits, or to meet any extraordinary claim or demand which may at any time arise against the undertakers; and if such fund be at any time reduced it may thereafter be again restored to the said sum, and so from time to time as often as such reduction shall happen.

LXXVII. Provided always, That no sum of money shall be taken from the said fund for the purpose of meeting any extraordinary claim, unless it be first certified, in England or Ireland, by two Justices, and in Scotland by the sheriff, that the sum so proposed to be taken is required for the purpose of meeting an extraordinary claim within the meaning of this or the special Act.

LXXVIII. When such fund shall, by accumulation or otherwise, amount to the prescribed sum, or one-tenth part of the nominal capital, as the case may be, the interest and dividends thereon shall no longer be invested, but shall be applied to any of the general purposes of the undertaking to which the profits thereof are applicable.

LXXIX. If in any year the profits of the undertaking divisible amongst the undertakers shall not amount to the prescribed rate, such a sum may be taken from the reserved fund as, with the actual divisible profits of such year, will enable the undertakers to make a dividend of the amount aforesaid, and so from time to time as often as the occasion shall require.

LX. No Commissioner, by being party to or executing in his capacity of Commissioner any contract or other instrument on behalf of the Commissioners, or otherwise lawfully executing any of the powers given to the Commissioners, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the several Commissioners shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as Commissioners; and the Commissioners respectively, their heirs, executors, and administrators, shall be indemnified out of the rates and other monies coming to the hands of the Commissioners by virtue of this and the special Act for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them.

LXI. In all actions and suits in respect of any matter or thing relating to the execution of this or the special Act, to be brought by or against the Commissioners, it shall be sufficient, where such Commissioners are not a body corporate, to state the names of any two of the Commissioners, or the name of their clerk, as the party, plaintiff or defendant, representing the Commissioners in any such action or suit, and no such action or suit shall abate or be discontinued, or require to be transferred, by reason of the death of any such Commissioner, or by his ceasing to be a Commissioner, or by the death, suspension, or removal of such clerk.

LXII. Execution upon every judgment or decree against the Commissioners in any such action or suit shall be levied on the goods, chattels, or personal effects belonging to the Commissioners by virtue of their office, and shall not in any manner extend to charge or make liable the persons, or private lands or goods of any of the Commissioners, or the heirs, executors, or administrators of any of them.

LXIII. Every Commissioner or clerk in whose name any such legal proceeding shall be carried on, either as plaintiff or defendant, on behalf of the Commissioners, shall be re-imbursed, out of the monies which shall come into the hands of the treasurer of the Commissioners by virtue of his office, all damages, costs, charges, and expenses to which any such Commissioner or clerk may be put, or with which he may become chargeable, by reason of being so made plaintiff or defendant.

LXIV. The Commissioners may prefer a bill of indictment against any person who shall steal or wilfully injure any property or thing belonging to the Commissioners, or under their management, or institute any other proceeding which may appear to them necessary for the protection of such property, and in every such case it shall be sufficient to state generally the property or thing in respect of which such proceeding shall have been taken to be the property of the Commissioners, as they shall be described in the special Act, without naming the individual Commissioners.

And with respect to the appointment and accountability of the officers of the Commissioners, it is enacted as follows:—

LXV. The Commissioners may from time to time appoint and employ a treasurer, clerk, collector, assessor, and all such other officers to assist in the execution of this and the special Act as they shall think necessary and proper, and from time to time remove any of such officers, and appoint others in the room of such as shall be so removed, or as may die, resign, or discontinue their offices, and may, out of the monies to be raised for the purposes of this and the special Act, pay such salaries and allowances to the said officers respectively as the Commissioners shall think reasonable.

LXVI. The same person shall not be appointed to the office both of clerk and treasurer; and if any person being the clerk, or the partner of such clerk, or in the service of such clerk or of his partner, accept the office of treasurer, or if any person being the treasurer, or the partner of such treasurer, or in the service of such treasurer or of his partner, accept the office of clerk, he shall forfeit the sum of 100*l.*, and any person may sue for such penalty by action of debt or on the case in any of the superior courts, and shall on recovery thereof be entitled to full costs of suit.

LXVII. Every officer employed by the Commissioners who shall exact or accept on account of anything done by virtue of his office, or in relation to the matters to be done under this or the special Act, any fee or reward whatsoever other than the salary or allowances allowed by the Commissioners, or who shall be in anywise concerned or interested in any bargain or contract made by the Commissioners, shall be incapable of being afterwards employed by the Commissioners, and shall forfeit the sum of 50*l.*, and any person may sue for such penalty by action of debt or on the case in any of the superior courts, and shall on recovery thereof be entitled to full costs of suit.

LXVIII. Before any person, whether treasurer, collector, or other officer intrusted by the Commissioners with the custody or controul of monies by virtue of his office, shall enter upon such office, the Commissioners shall take sufficient security from him for the faithful execution thereof.

LXIX. Every collector appointed or employed by the Commissioners by virtue of this or the special Act to collect any rates shall, within seven days after he shall have received any monies on account of any such rates, pay over the same to the treasurer of the Commissioners to their account, and the receipt of such treasurer for the monies so paid shall be a sufficient discharge to the collector, and every such collector shall, in such time and in such manner as the Commissioners direct, deliver to them true and perfect accounts in writing under his hand of all monies received by him and of all monies paid by him to the said treasurer by virtue of this or the special Act, and also a list of the names of all persons who have neglected or refused to pay any rate or money owing by them, with a statement of the monies due from them respectively.

LXX. Every collector and other officer appointed or employed by the Commissioners by virtue of this or the special Act shall, from time to time when required by the Commissioners, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand of all monies received by him on behalf of the Commissioners, and such account shall state how and to whom and for what purpose such monies have been disposed of, and together with such account such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the Commissioners, or to any person appointed by them to receive the same, all monies which shall appear to be owing from him upon the balance of such accounts.

LXXI. If any such collector or other officer fail to render such accounts as aforesaid, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for five days after being thereunto required he fail to deliver up to the Commissioners, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters, and things, in his possession or power, relating to the execution of this or the special Act, or any Act incorporated therewith, or belonging to the Commissioners, then on complaint thereof being made to a Justice, or to the sheriff, such Justice or sheriff shall summon such officer to appear before two or more Justices, or before such sheriff, according as the summons may have been issued by a Justice or by the sheriff, at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or upon proof that such summons was personally served upon him, or left at his last known place of abode, such Justices or sheriff may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer, or upon evidence, or upon inspection of the account, that any monies of the Commissioners are in the hands of such officer, or owing by him to the Commissioners, such Justices or sheriff may order such officer to pay the same, and if he fail to pay the amount it shall be lawful for such Justices or sheriff to grant a warrant to levy the same by distress, or by pointing and sale, or in default thereof to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same be sooner paid.

LXXII. If any such officer summoned as aforesaid refuse to make out such account in writing, or to produce and deliver to the Justices or sheriff the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power, belonging to the Commissioners, such Justices or sheriff may commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts in his possession or power relating to such accounts, and all the books, papers, writings, property, effects, matters, and things, in his possession or power, belonging to the Commissioners.

LXXIII. Provided always, That if any Commissioner, or other person acting on behalf of the Commissioners, shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and that he does believe that it is the intention of any such officer as aforesaid to abscond, the Justice or the sheriff before whom the complaint is made may, instead of issuing his summons, issue his warrant for bringing such officer before such two Justices as aforesaid if the warrant be issued by a Justice, or before such sheriff if the warrant be issued by him; but no person executing such warrant shall keep such officer in custody longer than twenty-four hours without bringing him before some Justice or the sheriff, according as he may be summoned before the one or the other; and the Justice or sheriff before whom such officer may be brought may either discharge such officer, if he think there is no sufficient ground for his detention, or order such officer to be detained in custody so as to be brought before two Justices at a time and place to be named in such order, unless such officer give bail to the satisfaction of such Justice for his appearance before such Justices to answer the complaint of the Commissioners.

LXXIV. No such proceeding against or dealing with any such officer as aforesaid shall deprive the Commissioners of any remedy which they might otherwise have against any surety of such officer.

And with respect to the mortgages to be executed by the Commissioners, it is enacted as follows:—

LXXV. Every mortgage or assignment in security of rates or other property authorized to be made under the provisions of this or the special Act shall be by deed duly stamped, in which the consideration shall be truly stated; and every such deed shall be under the common seal of the Commissioners if they be a body corporate, or if they be not a body corporate shall be executed by the Commissioners, or any five of them, and may be according to the form in the Schedule (B.) to this Act annexed or to the like effect; and the respective mortgagees or assignees in security shall be entitled one with another to their respective proportions of the rates and assessments or other property comprised in such mortgages or assignment respectively, according to the respective sums in such mortgages or assignments mentioned to be advanced by such mortgagees or assignees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of the priority of advancing such monies, or of the dates of any such mortgages or assignments respectively.

LXXVI. A register of mortgages or assignments in security shall be kept by the clerk to the Commissioners, and where by the special Act the Commissioners are authorized or required to raise separate sums on separate rates or other property, a separate register shall be kept for each class of mortgages or assignments in security, and within fourteen days after the date of any mortgage or assignment in security an entry or memorial of the number and date thereof, and of the names of the parties thereto, with their proper additions, shall be made in the proper register, and every such register may be perused at all reasonable times by any person interested in any such mortgage or assignment in security without fee or reward.

LXXVII. Any person entitled to any such mortgage or assignment may transfer his right and interest therein to any other person, and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated, and every such transfer may be according to the form in the Schedule (C.) to this Act annexed, or to the like effect.

LXXVIII. Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the clerk to the Commissioners, and thereupon such clerk shall cause an entry or memorial thereof to be made, in the same manner as in the case of the original mortgage or assignment in security, and for such entry the clerk may demand a sum not exceeding 5s., and after such entry every such transfer shall entitle the transferee, his executors, administrators, or assigns, to the full benefit of the original mortgage or assignment in security, and the principal and interest thereby secured, and such transferee may in like manner assign or transfer the same again *toties quoties*, and it shall not be in the power of any person, except the person to whom the same shall have been last transferred, his executors, administrators, or assigns, to make void, release, or discharge the mortgage or assignment so transferred, or any money thereby secured.

LXXIX. Unless otherwise provided by any mortgage or assignation in security, the interest of the money borrowed thereupon shall be paid half-yearly to the several parties entitled thereto.

LXXX. If the Commissioners can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then be in force shall bear, they may borrow such sum at such lower rate as aforesaid, in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and other property which they may be authorized to mortgage or assign in security under this or the special Act, or any part thereof, with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are herein contained with respect to other monies borrowed on mortgage or assignation in security.

LXXXI. The Commissioners may, if they think proper, fix a period for the repayment of all principal monies borrowed under the provisions of this or the special Act, with the interest thereof, and in such case the Commissioners shall cause such period to be inserted in the mortgage deed or assignation in security; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to receive such principal money and interest, and if no other place of payment be inserted in such deed such principal and interest shall be payable at the office of the Commissioners.

LXXXII. If no time be fixed in the mortgage deed or assignation in security for the repayment of the money so borrowed, the party entitled to receive such money may, at the expiration or at any time after the expiration of twelve months from the date of such deed, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose, and in the like case the Commissioners may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or creditor shall be delivered to the clerk or left at the office of the Commissioners, and if given by the Commissioners shall be given either personally to such mortgagee or creditor, or left at his residence, or if such mortgagee or creditor be unknown to the Commissioners, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London Gazette* if the office of the Commissioners is in England, the *Edinburgh Gazette* if it is in Scotland, or in the *Dublin Gazette* if it is in Ireland.

LXXXIII. If the Commissioners shall have given notice of their intention to pay off any such mortgage or assignation in security at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable thereon, unless, on demand of payment made pursuant to such notice, or at any time thereafter, the Commissioners fail to pay the principal and interest due at the expiration of such notice on such mortgage or assignation in security.

LXXXIV. In order to discharge the principal money borrowed as aforesaid on security of any of the rates the Commissioners shall every year appropriate and set apart out of such rates respectively a sum equal to the prescribed part, and if no part be prescribed one-twentieth part of the sums so borrowed respectively, as a sinking fund to be applied in paying off the respective principal monies so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Exchequer bills or other Government securities, or in Scotland deposited in one of the banks there incorporated by Act of Parliament or royal charter, and to be increased by accumulation in the way of compound interest or otherwise, until the same respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the Commissioners shall think ought then to be paid off, at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

LXXXV. Whenever the Commissioners shall be enabled to pay off one or more of the mortgages or assignments in security which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order in which they shall be paid off by lot among the class to which such one or more of the mortgages or assignments in security belong, and shall cause a notice, signed by their clerk, to be given to the persons entitled to the money to be paid off, pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid, together with the interest due thereon, at a place to be specified, at the expiration of six months from the date of giving such notice.

LXXXVI. Where by the special Act the mortgagees or assignees in security of the Commissioners are empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due to them, by the appointment of a receiver, then, if within thirty days after the interest accruing upon any such mortgage or assignation in security has become payable, and, after demand thereof in writing, the same be not paid, the mortgagee or assignee in security may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts, require the appointment of a receiver, by an application to be made as hereinafter provided; and if within six months after the principal money owing upon any such mortgage or assignation in security has become payable, and after demand thereof in writing the same be not paid, together with all interest due in respect thereof, the mortgagee or assignee in security, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior courts, may, if his debt amount to the prescribed sum, alone, or if his debt do not amount to the prescribed sum he may in conjunction with other mortgagees or assignees in security, whose debts being so in arrear, after demand as aforesaid, together with his amount to the prescribed sum, require the appointment of a receiver, by an application to be made as hereinafter provided.

LXXXVII. Every application for a receiver in the cases aforesaid shall in England or Ireland be made to two Justices, and in Scotland to the sheriff, and on any such application such Justices or sheriff may, by order in writing, after hearing the parties, appoint some person to receive the whole or a competent part of the rates or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the rates or sums aforesaid, be fully paid; and upon such appointment being made all such rates and sums of money as aforesaid, or such part thereof as may be ordered by the said Justices or sheriff, shall be paid to the person so to be appointed, and the money so paid shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on

whose behalf such receiver shall have been appointed, and after such interest and costs, or such principal, interest, and costs, have been so received, the power of such receiver shall cease. a

LXXXVIII. The books of account of the Commissioners shall be open at all reasonable times to the inspection of the respective mortgagees or assignees in security of the Commissioners, with liberty to take extracts therefrom without fee or reward.

And with respect to the accounts to be kept by the Commissioners, it is enacted as follows :—

LXXXIX. The Commissioners shall cause books to be provided and kept, and true and regular accounts to be entered therein of all sums of money received and paid for and on account of this and the special Act, and of the several purposes for which such sums of money shall have been received and paid, which books shall at all reasonable times be open to the inspection of any of the Commissioners, and any mortgagee, assignee in security, or other creditor of the Commissioners, without fee or reward, and the Commissioners and persons aforesaid, or any of them, may take copies of or extracts from the said books, without paying anything for the same; and any clerk or other person having the custody of the said books who shall not on any reasonable demand of any Commissioner, mortgagee, or creditor as aforesaid permit him to inspect the said books, or to take such copies or extracts as aforesaid, shall be liable to a penalty of 5*l.* for every such offence.

xc. The Commissioners shall cause their accounts to be balanced in each year to a period not less than one month before the annual general meeting at which they are to be produced, as after mentioned; and fourteen days at the least before such meeting the Commissioners shall cause a full and true statement and account to be drawn out of the amount of all rates or assessments made, and of all contracts entered into, and of all monies received and expended by virtue of this or the special Act during the preceding year, and also of all debts then owing by the Commissioners, and they shall cause such statement and account to be printed, and shall allow the same to remain for inspection at the office of the Commissioners; and every creditor on the rates and assessments by this or the special Act, or any Act incorporated therewith, authorized to be made, and every person paying any such rate or assessment, or any person acting on behalf of any such creditor or rate-payer, may, at all reasonable times, inspect such statement and account, and compare the same with the books and documents relating thereto in the possession of the Commissioners; and the clerk shall, on demand, furnish a printed copy of the said statement and account to every such creditor and rate-payer without fee; and fourteen days at the least before the meeting for examining and settling such account the Commissioners shall give public notice of such intended meeting, stating in such notice that the said statement and account are printed, and lie at the office of the Commissioners ready for the inspection of the creditors and rate-payers or other parties interested.

xcI. The accounts of the Commissioners, so balanced as aforesaid, together with the said statement and account, shall be produced at the annual meeting of the Commissioners, or at some adjournment thereof, at which meeting all creditors and rate-payers and other persons interested may be present, and the accounts shall be then finally examined and settled by the Commissioners, and if the same be found just and true they shall be allowed by the Commissioners, and certified accordingly under the hand of the chairman of such meeting; and after such accounts have been so allowed and signed by such chairman, and also by the auditors as hereinafter provided, the same shall be final in regard to all persons whomsoever, unless an appeal be prosecuted against such accounts as hereinafter provided.

xcII. Except in the cases where by the special Act provision is made for the appointment of a permanent auditor, and such auditor shall have been appointed accordingly, the rate-payers present at the said annual meeting may appoint two or more persons not being Commissioners to be auditors of the accounts of the Commissioners; and if no other person present at such meeting propose the names of two persons to be appointed auditors by such meeting, it shall be the duty of the chairman of the meeting to propose the names of two persons to be so appointed; and the persons so to be appointed auditors shall have the like qualification, and shall be subject to the like disqualification or disability, as the Commissioners; and before entering on their office they shall make and sign before a Justice or the sheriff a solemn declaration of the like purport and effect to that hereby required to be signed by the Commissioners; and the auditors so appointed shall receive a reasonable remuneration for their time and trouble, not exceeding two guineas each for every day they shall be fully employed on such audit, and all such expenses as they shall be put unto attending the auditing of the said accounts; and if any dispute arise as to the amount of the remuneration and expenses to be paid to such auditors, it shall in England or Ireland be settled by two Justices and in Scotland by the sheriff.

xcIII. The auditors so nominated, or the said permanent auditor, if any shall have been appointed as aforesaid, shall attend as soon as conveniently may be after the said annual meeting, at the office of the Commissioners, or at some other convenient place to be appointed by the Commissioners, and from time to time shall, in the presence of the clerk to the Commissioners if he desire to be present, proceed to audit the accounts of the Commissioners for the year preceding the said annual meeting; and the Commissioners shall by their clerk produce and lay before such auditors the accounts so allowed and certified as aforesaid, together with the statement and account hereinbefore mentioned, accompanied with proper vouchers in support of the same, and all books, papers, and writings in their custody or power relating thereto; and any person interested in the said account, either as a creditor of the Commissioners or as a rate-payer, may be present at the audit of the said accounts by himself or his agent, and may make any objection to any part of such account; and if the said accounts be found correct such auditors shall sign the same in token of their allowance thereof, but if such auditors think there is just cause to disapprove of any part of the said accounts, they or any other person interested in the said accounts as aforesaid may appeal against any such parts of the said accounts as shall be so disapproved of to one of the two next Quarter Sessions in England or Ireland, and to the sheriff in Scotland, notice in writing of such appeal being given to the clerk of the Commissioners fourteen days at the least before the hearing of such appeal.

xcIV. Upon the hearing of any such appeal the Justices or the sheriff may make such order as they or he think fit respecting the payment of the costs of the appellant out of the monies coming to the hands of the Commissioners under the special Act or otherwise, as they or he think fit, and such order shall be final.

xcv. The Commissioners shall every year cause an annual account in abstract to be prepared, shewing the total receipt and expenditure of all funds levied by virtue of this and the special Act, and any Act incorporated therewith, for the year ending on the day down to which their accounts shall have been made up for the said annual meeting, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the chairman of the Commissioners and also by the auditors thereof, and shall, if the undertaking is situated in England or Ireland, send a copy of the said account free of charge to the clerk of the peace for the county where the undertaking is situate, and if the undertaking is situated in Scotland shall send such copy to the sheriff clerk of such county, on or before the 31st of January then next, or within one month after the same has been duly audited, which account shall be open to the inspection of the public at all reasonable hours, on payment of the sum of 1s. for every such inspection; and if the Commissioners shall omit to prepare and transmit such account as aforesaid, they shall be liable for every such omission to a penalty of 20*l*.

And with respect to the making of bye-laws, it is enacted as follows:—

xcvi. The Commissioners may from time to time make such bye-laws as they think fit, for the purpose of regulating the conduct of the officers and servants of the Commissioners, and for providing for the due management of the affairs of the Commissioners, and may from time to time alter or repeal any such bye-laws, and make others, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the Commissioners, where the Commissioners are a body corporate, or shall be signed by the Commissioners, or any two of them, where they are not a body corporate; and a copy of such bye-laws shall be given to every officer and servant of the Commissioners affected thereby.

xcvii. The Commissioners may by such bye-laws impose such reasonable penalties upon all persons, being officers or servants of the Commissioners, offending against such bye-laws as the Commissioners think fit, not exceeding 5*l*. for any one offence.

xcviii. All the bye-laws to be made by the Commissioners shall be so framed as to allow the Justice or the sheriff before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, if such Justice or sheriff think fit.

And with respect to giving notices and orders, it is enacted as follows:—

xcix. Any summons or notice, or any writ or other proceeding at law or in equity, requiring to be served upon the Commissioners, may be served by the same being left at or sent through the post office, directed to the Commissioners, at their principal office, or one of their principal offices where there shall be more than one, or by being given personally to the clerk, or in case there be no clerk, then by being given to any one Commissioner.

c. All notices required by this or the special Act, or any Act incorporated therewith, to be given by advertisement, shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the undertaking shall be situated.

ci. Every order, summons, notice, or other such document requiring authentication by the Commissioners shall be sufficiently authenticated if signed by two Commissioners, or by the clerk of the Commissioners, and it need not be under the common seal of the Commissioners, although they be incorporated, and the same may be in writing or in print, or partly in writing and partly in print.

And with respect to the proof of debts in bankruptcy or insolvency, it is enacted:—

cii. That if any person against whom the Commissioners have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, the clerk or treasurer of the Commissioners, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, may represent the Commissioners, and act in their behalf, in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the Commissioners.

And with respect to tender of amends, it is enacted:—

ciii. That if any person shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender have been made, the defendant, by leave of the Court where such action is pending, may, at any time before issue joined, pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices or to the sheriff, it is enacted as follows:—

civ. If the undertaking be situate in England or Ireland the clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, shall be incorporated with this and the special Act; and if the undertaking be situate in Scotland the clauses of the Railways Clauses Consolidation Act (Scotland), 1845, with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff or to Justices, shall be incorporated with this

and the special Act; and such clauses shall apply to the undertaking, and to the Commissioners respectively, and shall be construed as if the word "Commissioners" had been inserted therein instead of the word "company."

cv. All things herein or in the special Act, or any Act incorporated herewith, authorized or required to be done by two Justices, may and shall be done in England and Ireland by any one magistrate having by law authority to act alone for any purpose with the powers of two or more Justices, and in Scotland by the sheriff or steward of any county or stewardry or ward, or his substitute.

cvl. Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act, 2 & 3 Vict. c. 71, intituled, 'An Act for regulating the Police Courts in the Metropolis;' and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal and upon the same terms as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expenses as they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

cvll. Provided always, That in Ireland, in the case of any penalty imposed by Justices, where the application is not otherwise provided for, such Justices may award not more than one-half of such penalty to the informer, and shall award the remainder to the guardians of the poor of the union within which the offence shall have been committed, to be applied in aid of the poor-rates of such union.

cvlll. Every person who, upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

cix. And it is enacted, That nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's duties of Customs or Excise, or any other revenue of the Crown, or to extend to or affect any claim of Her Majesty in right of her Crown, or otherwise howsoever, or any proceedings at law or in equity by or on behalf of Her Majesty, in any part of the United Kingdom of Great Britain and Ireland.

And with respect to access to the special Act, it is enacted as follows:—

cx. The Commissioners shall, at all times after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them; and shall also, within the space of such six months, deposit in the office of the clerk of the peace in England or Ireland, and of the sheriff clerk in Scotland, of the county in which the undertaking is situate, a copy of such special Act so printed as aforesaid; and the said clerk of the peace and sheriff clerk respectively shall receive, and they and the Commissioners respectively shall keep, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled, 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

cxl. If the Commissioners fail to keep or deposit as hereinbefore mentioned any of the said copies of the special Act, they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

cxlii. And it is enacted, That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.) Sect. 23.

Voting Paper.

Town of [or District of]]
 Voting Paper for the Town [or District] of [or, if divided into Wards,
 Voting Paper for Ward, in the Town [or District] of]

| Names of the Persons voted for as Commissioners. | Christian Name and Surname of Voter. | Description of Property. | Number of Votes. | |
|--|--|--------------------------------|------------------|-----------------|
| | | | As Owner. | As Occupier. |
| | | | | |

By this Act,

After reciting that by 9 & 10 Vict. c. 102. the several duties of Customs are imposed upon goods, wares, and merchandise imported into the United Kingdom as the same are respectively inserted, described, and set forth in the Table to that Act, annexed: And that it is expedient to make certain alterations and amendments therein:—

It is Enacted,

I. That from and after the passing of this Act, in lieu and instead of the duties now payable by law upon the goods, wares and merchandise mentioned in the Table to this Act annexed when imported into the United Kingdom, there shall be raised, levied, collected, and paid unto Her Majesty, her heirs and successors, upon the said goods, wares, and merchandise, when imported into the United Kingdom, the several duties of Customs as the same are respectively inserted, described, and set forth in figures in the Table to this Act annexed.

II. That the duties imposed by this Act shall be under the management of the Commissioners of Her Majesty's Customs, and shall be ascertained, raised, levied, collected, paid, and recovered, and allowed and applied or appropriated, under the provisions of any Act or Acts now in force or hereafter to be made relating to the Customs.

III. That no spirits which shall have been imported into the United Kingdom from parts beyond the sea shall be removed or sent from England to either Scotland or Ireland, Scotland into England or Ireland, or from Ireland into England or Scotland, except such as shall have been duly warehoused upon the first importation thereof according to the laws in force for the warehousing of goods, and which shall be in the warehouse at the time of such intended removal, and which shall be removed from one warehousing port to another warehousing port according to the regulations required by law; and that all such spirits when so removed shall be liable to the duty payable thereon in that part of the United Kingdom into which they shall have been so removed if they be entered for home consumption therein.

IV. That no such spirits shall be removed from Scotland to England, or from England to Scotland, except by sea.

V. That no such spirits shall be removed as aforesaid unless in ships of sixty tons burden or upwards, and unless in casks or other vessels capable of containing liquids, each of such casks or other vessels being of the size or content of twenty gallons at the least, or in glass or stone bottles not exceeding the size of quart bottles, being really part of the cargo of the ship in which such spirits are removed, and entered in the cargo book of the same.

VI. That all spirits removed contrary to the provisions of this Act shall be forfeited, and may be seized by any officer of Customs or Excise; and that all persons concerned in such removing or knowingly receiving or harbouring any spirits so removed, shall forfeit the penalty of 100*l.*, or treble the value of the said spirits, at the election of the Commissioners of Customs or Excise.

VII. That no spirits whereupon the duty imposed by this Act shall have been paid in Ireland shall be brought or carried from Ireland into Scotland or England; and that no spirits whereupon such duty shall have been paid in Scotland shall be brought or carried from Scotland into England; and that all such spirits so brought shall be forfeited, and shall and may be seized by any officer of Excise or Customs; and that all persons concerned in such bringing or carrying such spirits, or receiving such spirits knowing them to have been so brought or carried, shall forfeit 100*l.*, or treble the value of such spirits, at the election of the Commissioners of Customs or Excise.

VIII. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

TABLE to which the foregoing Act refers.

Spirits or Strong Waters, for every gallon of such Spirits, or Strong Waters, of any Strength not exceeding the Strength of Proof by Sykes's Hydrometer, and so in proportion for any greater or less Strength than the Strength of Proof, and for any greater or less Quantity than a Gallon; viz.—

Spirits, or Strong Waters, the Produce of any British Possession in America, not being sweetened Spirits, or Spirits mixed with any Article, so that the Degree of Strength thereof cannot be exactly ascertained by such Hydrometer,

| | <i>£.</i> | <i>s.</i> | <i>d.</i> |
|--|-----------|-----------|-----------|
| If imported into England, the Gallon | 0 | 8 | 7 |
| — Scotland — | 0 | 4 | 5 |
| — Ireland — | 0 | 3 | 5 |

— Rum, the Produce of any British Possession within the Limits of the East India Company's Charter, not being sweetened Spirits, or Spirits so mixed as aforesaid, in regard to which the Conditions of the Act, 4 Vict. c. 8. have or shall have been fulfilled,

| | <i>£.</i> | <i>s.</i> | <i>d.</i> |
|--|-----------|-----------|-----------|
| If imported into England, the Gallon | 0 | 8 | 7 |
| — Scotland — | 0 | 4 | 5 |
| — Ireland — | 0 | 3 | 5 |

Figure 1

[illegible]

(11th April 1847.)

xxxiii. Persons having mortgages on lands, &c. required for the purposes of this Act shall on payment or tender of money secured thereon convey the same to Her Majesty.

XXXIV. As to cases where the mortgage-money is more than the value of the premises, or a part only of the premises is taken.

XXXV. Tenants at will, or from year to year, to quit after notice.

XXXVI. Persons authorized to sell may refer to arbitrators to fix the price.

XXXVII. For ascertaining the value of the common rights.—Meeting of persons claiming estates, &c. to be called.—A valuer to be appointed on behalf of claimants.

XXXVIII. Commissioners of Woods, &c. to appoint a valuer.—Umpire to be appointed.—If valuers cannot agree as to the appointment of an umpire, Inclosure Commissioners to appoint one.

XXXIX. In default of appointment of valuer, &c., or refusal to act, Inclosure Commissioners to appoint.

XL. Valuers and umpire may require production of deeds, &c.

XLI. Valuation to include all costs incurred.

XLII. As soon as valuation made, and amount paid, commons, &c. to be freed from all rights, &c.

XLIII. Commissioners of Woods may agree for price to be paid for such rights, &c. instead of referring the question to valuers.

XLIV. As soon as the said monies shall be paid into the Bank, Inclosure Commissioners shall proceed to determine the names of the parties entitled.—Inclosure Commissioners may call meetings to ascertain rights, &c. of parties.

XLV. As to the payment of costs of Inclosure Commissioners, and as to the residue of monies.

XLVI. Compensation for limited interests to be paid to trustees.

XLVII. Power to adjourn meetings from time to time.

XLVIII. Power to sell and exchange lands.

XLIX. Power to stop up and alter roads.

L. Penalties on persons giving false evidence.

LI. Limitation of time for purchasing lands.

LII. Commissioners exempted from personal liability.

LIII. Receipts of Commissioners to be sufficient discharges.

LIV. Deeds, &c. not liable to stamp duties.

LV. Saving the rights of the Crown.

LVI. Public Act.

CAP. XXV.

AN ACT to authorize the Inclosure of certain Lands, in pursuance of the Second Report of the Inclosure Commissioners for *England and Wales*.

(11th May 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Inclosures mentioned in Schedule may be proceeded with.*
2. *Short title.*

By this Act,

After reciting that the Inclosure Commissioners for England and Wales have, in pursuance of 8 & 9 Vict. c. 118, issued provisional orders for and concerning the several proposed inclosures mentioned in the Schedule to this Act, and have, in the annual general report of their proceedings, certified their opinion that such inclosures would be expedient; but the same cannot be proceeded with without the authority of Parliament:—

It is Enacted,

1. That the said several proposed inclosures mentioned in the Schedule to this Act be proceeded with.
- II. That in citing this Act in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Annual Inclosure Act, 1847."

The SCHEDULE to which this Act refers.

| Inclosure. | County. | Date of Provisional Order. |
|--|--------------------------|----------------------------|
| Welland | Worcester | 30th June 1846. |
| Harden Moor | York | 9th July 1846. |
| Newbold-on-Stour | Worcester | 11th July 1846. |
| Wilburton Open Fields | Cambridge | 21st July 1846. |
| Elmton | Derby | 28th July 1846. |
| East Coanwood | Northumberland | 28th July 1846. |
| Dippenhall | Southampton | 29th July 1846. |
| Evenjobb | Radnor | 25th August 1846. |
| Wentnor | Salop | 11th September 1846. |
| Buckland St. Mary | Somerset | 11th September 1846. |
| Brough and Shatton Common | Derby | 11th September 1846. |
| Whitrigg Marsh | Cumberland | 23rd September 1846. |
| Norbury Hill | Salop | 25th November 1846. |
| Wishaw, Upper and Lower Greens | Warwick | 3rd December 1846. |
| Bordley Intack | York | 10th December 1846. |
| Netteswell | Essex | 10th December 1846. |
| East Cotham Common | York | 10th December 1846. |
| Witnaash | Warwick | 23rd December 1846. |
| Washington Commons | Sussex | 8th January 1847. |
| Goldington | Bedford | 8th January 1847. |
| Tadley | Southampton | 23rd January 1847. |

CAP. XXVI.—IRELAND.

AN ACT for enabling the Commissioners of Public Works in *Ireland* to purchase Land for Prisons in *Ireland*.

(11th May 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Commissioners of Public Works to be Commissioners for providing buildings, &c. necessary for the establishment of new prisons in Ireland.*
2. *Commissioners of Public Works to be a corporation for the purposes of this Act.*
3. *Power to Commissioners of Public Works to purchase or rent buildings, lands, &c. which may be required for such prisons.*
4. *Lands Clauses Consolidation Act, 1845, incorporated with this Act with certain exceptions.*
5. *Commissioners of Public Works to obtain surveys, plans and specifications, and send the same to the Treasury for their approval.*
6. *Commissioners of Public Works to make up accounts, and send the same to the Treasury as often as required.*
7. *Provisions of 1 & 2 Will. 4. c. 38. as to proceedings in actions by and against the Commissioners of Public Works extended to actions, &c. under this Act.*
8. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient that a new prison should be established in or near Dublin, for the custody of convicted criminal offenders, and it may become necessary to establish similar prisons in other parts of Ireland:—

It is Enacted,

1. That the Commissioners of Public Works in Ireland for the time being shall be Commissioners for the purpose of purchasing or providing, as hereinafter mentioned, any buildings, lands, tenements, or hereditaments that may be necessary for any such new prison or prisons, and the sites thereof, and the premises to be occupied therewith, and for erecting thereon suitable buildings, and for repairing, enlarging, improving, upholding, and furnishing the same from time to time.

17. That for the purposes of this Act the said Commissioners of Public Works in Ireland for the time being, and their successors, shall be a corporation, by the name or style of "The Commissioners of Public Works in Ireland," and by that

name, for the purposes of this Act, shall have perpetual succession and a common seal, to be by them made and from time to time altered as they shall think fit, and shall and may sue and be sued, plead or be impleaded, in all courts, and before all Justices and others, and in that capacity shall be deemed promoters of the undertaking authorized to be executed by this Act.

III. That in order to enable the said Commissioners of Public Works in Ireland to purchase and provide the buildings, lands, tenements, and hereditaments which may be required for any such prison and the site thereof, the said Commissioners, with the approval and under the direction of the Commissioners of Her Majesty's Treasury, may contract and agree with any person or persons, or body or bodies corporate, for the purchase or renting of any buildings, lands, tenements, or hereditaments required for any such prison or the site thereof, and the premises to be occupied therewith, and also for the purchase of any subsisting leases, terms, estates, or interests therein or charges thereon; and the buildings, lands, tenements, or hereditaments so contracted and agreed for shall be conveyed, assigned, or demised to or in trust for Her Majesty, her heirs and successors, in such manner and form as the said Commissioners of Her Majesty's Treasury shall direct.

IV. That in order to enable the said Commissioners of Public Works to purchase and provide the said buildings, lands, tenements, and hereditaments, the Lands Clauses Consolidation Act, 1845, except the clauses with respect to the purchase and taking of lands otherwise than by agreement, shall be incorporated with this Act: Provided always, that all things by the said Act required or authorized to be done by the promoters of the undertaking may be done by any two of the Commissioners of Public Works in Ireland, subject to the approval of the Commissioners of Her Majesty's Treasury in the cases provided by this Act.

V. That for the purpose of building any such prison the said Commissioners of Public Works, if they shall be so directed by the Commissioners of Her Majesty's Treasury, may employ any competent surveyor or architect to make a survey and estimate of the proposed work, and to prepare such plan, section, or specification thereof as may be necessary, and send the same to the Commissioners of Her Majesty's Treasury, for their approval; and if the said Commissioners of Her Majesty's Treasury shall think fit to authorize the work specified in any such plan, section, or specification, or any modification thereof which they may think proper to be undertaken, they shall by their warrant direct the said Commissioners of Public Works to execute such work, at and for an amount not exceeding a sum to be specified in such warrant; and the said Commissioners of Public Works shall, upon receipt of such warrant, cause the work mentioned therein to be executed.

VI. That the said Commissioners of Public Works shall cause accounts in writing of the several sums received by them as such Commissioners for the purposes of this Act, and the sums expended by them for such purposes, and the manner of such expenditure, to be made up to the 31st of December in each year, or to such other day as the Commissioners of Her Majesty's Treasury shall direct; and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, send the said accounts to the said Commissioners of the Treasury, who may give such directions as they shall think proper, defining the duties of the said Commissioners of Public Works in the execution of this Act, and the said Commissioners of Public Works shall observe all such directions as aforesaid which shall from time to time be signified to them by the said Commissioners of Her Majesty's Treasury.

VII. That the several enactments contained in an Act, 1 & 2 Will. 4. c. 33, intituled, 'An Act for the Extension and Promotion of Public Works in Ireland,' which affect or relate to any action or suit to be commenced against the Commissioners for the execution of the last-recited Act, or any person or persons, for anything done by virtue of or in pursuance of the last-recited Act, or any proceedings in any such action or suit, or any limitation of time for the commencement thereof, or any costs thereof, or any evidence to be given therein, or any notice of action or suit, or satisfaction, or tender thereof, or any action or suit to be commenced by the said Commissioners, or any proceedings therein, or any abatement or discontinuance of any such action or suit, or to the court in which or to the terms or conditions on which any such action or suit shall be brought against the said Commissioners, collectively or individually, shall, so far as the same are applicable, be held to apply to and extend to any action or suit to be commenced against the Commissioners of Public Works in Ireland, or any person or persons, for anything done by virtue of or in pursuance of or on account of this Act, or to any proceedings in or relating to any such action or suit.

VIII. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XXVII.

AN ACT for consolidating in One Act certain Provisions usually contained in Acts authorizing the making and improving of Harbours, Docks, and Piers.

(11th May 1847.)

ABSTRACT OF THE ENACTMENTS.

1. Extent of Act.
2. Interpretations in this Act:—"Special Act;" "prescribed;" "the prescribed limits;" "the lands;" "the harbour, dock, or pier;" "the harbour-master;" "the undertakers."
3. Interpretations in this and the special Act:—Number; gender; "person;" "lands;" "vessel;" "master;" "owner;" "goods;" "rate;" "the collector of rates;" "month;" "superior courts;" "oath;" "county;" "Justice;" "sheriff;" "Quarter Sessions;" "Lords of the Admiralty."

| | |
|--|---|
| Citing the Act. | <ul style="list-style-type: none"> 4. <i>Short title of this Act.</i> 5. <i>Form in which portions of this Act may be incorporated in other Acts.</i> 6. <i>Construction of harbour, dock, or pier to be subject to the provisions of this Act and one of the Lands Clauses Consolidation Acts.</i> 7. <i>Errors and omissions in plans, &c. may be corrected by Justices, &c., who shall certify the same.—Certificates to be deposited.</i> 8. <i>Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited.</i> |
| Construction of Harbour, Dock, or Pier. | <ul style="list-style-type: none"> 9. <i>Clerks of the peace, &c. to receive plans of alterations, and allow inspection.</i> 10. <i>Copies of plans, &c. to be evidence.</i> 11. <i>No deviation beyond the limits defined upon plans.</i> 12. <i>Works on the shore of the sea, &c. not to be constructed without the authority of the Commissioners of Woods, &c. and of the Admiralty.</i> 13. <i>Before alterations in plans are executed, to be approved of by the Admiralty and the Commissioners of Woods, &c.</i> |
| Accommodation for Custom-house Officers. | <ul style="list-style-type: none"> 14. <i>Undertakers to erect watch-house and boat-house for Custom-house officers, and keep the same in repair.</i> |
| Life-boats. | <ul style="list-style-type: none"> 15. <i>Penalty on undertakers neglecting to repair watch-house, &c.</i> 16. <i>Life-boats, &c. to be provided by undertakers.</i> 17. <i>Penalty for not providing life-boat, &c.</i> |
| Tide-gauge, &c. | <ul style="list-style-type: none"> 18. <i>A self-registering tide-gauge and barometer to be provided by undertakers.</i> 19. <i>Penalty for not providing tide-gauge, &c.</i> |
| Warehouses and Cranes. | <ul style="list-style-type: none"> 20. <i>Power to purchase additional land required for extraordinary purposes.</i> 21. <i>Power to construct warehouses and other works.</i> 22. <i>Undertakers to hire persons to work cranes.</i> 23. <i>Power to lease wharfs, warehouses, &c.</i> 24. <i>Legal quays to be approved by the Treasury, &c.</i> 25. <i>Rates not to be taken until the works shall be completed.</i> 26. <i>Certificate of magistrate to be evidence that the harbour, &c. is completed.</i> 27. <i>Tonnage of British registered vessels to be ascertained according to law; of other vessels according to established rules.</i> |
| Rates. | <ul style="list-style-type: none"> 28. <i>Exemption of vessels in Her Majesty's service, &c. from rates.</i> 29. <i>Vessels returning from stress of weather not to pay rates again.</i> 30. <i>Power to vary the rates from time to time.</i> 31. <i>As to the rates on foreign vessels where treaties of reciprocity exist.</i> 32. <i>Power to compound for tolls payable in respect of passenger or pleasure vessels.</i> 33. <i>Harbour, dock, and pier free to the public on payment of rates.</i> 34. <i>Collector may enter vessels to ascertain rates payable.</i> 35. <i>Master to report arrival of vessel.—Penalty for neglect.</i> 36. <i>Master of vessel to produce certificate of registry.</i> 37. <i>Masters of vessels to give accounts of goods intended to be unshipped within the limits, &c.</i> 38. <i>Penalty on masters giving no account, or a false account, of goods to be unshipped.</i> 39. <i>Shippers to give an account of goods intended to be shipped.</i> 40. <i>In case of dispute between collector and master, &c. goods to be weighed or measured.</i> 41. <i>As to the expenses of weighing or measuring goods.</i> |
| Collection of Rates. | <ul style="list-style-type: none"> 42. <i>Rates on goods when payable.</i> 43. <i>Penalty on evading payment of rates.</i> 44. <i>Recovery of tonnage rates by distraint of ship and tackle.</i> 45. <i>Recovery of rates on goods.</i> 46. <i>Disputes concerning rates or charges occasioned by distress to be settled by a Justice in England or Ireland, and in Scotland by the sheriff.</i> 47. <i>List of rates to be set up in large and legible characters.</i> 48. <i>Collector of Customs may withhold a clearance to any vessel until the rates paid.</i> 49. <i>Undertakers to keep account of rates and vessels, &c.</i> |
| Account of Rates. | <ul style="list-style-type: none"> 50. <i>Annual account to be prepared and transmitted to the clerk of the peace in England or Ireland, or to the sheriff in Scotland.</i> |
| Harbour, Dock, and Pier-master. | <ul style="list-style-type: none"> 51. <i>Appointment of harbour, dock, or pier-master.</i> 52. <i>Powers of harbour, dock, or pier-master.</i> 53. <i>Penalty on ship-masters not complying with directions of the harbour-master.</i> 54. <i>Penalty on harbour-master for misbehaviour.</i> 55. <i>Penalty on offering bribes to dock-officers, and on officers taking bribes.</i> 56. <i>Harbour-master may remove wrecks, &c.</i> 57. <i>Unserviceable vessels to be altogether removed from harbour.</i> 58. <i>Harbour-master may remove vessels within docks, &c.</i> 59. <i>Vessels entering harbour or dock to be dismantled as harbour-master shall direct.</i> 60. <i>Vessels to have their sails lowered when entering and navigating dock.</i> 61. <i>Vessels to have hawsers, &c. fixed to moorings.</i> 62. <i>Penalty for wilfully cutting moorings.</i> 63. <i>Penalty on vessels lying near the entrance of harbour or dock without permission.</i> |

| | |
|---|--|
| <i>Harbour, Dock, and Pier Master.</i> | 64. Vessels may be removed for the purpose of repairing harbour or dock. |
| <i>Discharge of Cargoes and Removal of Goods.</i> | 65. Harbour-master may remove such vessel if the master thereof neglect or refuse so to do. |
| | 66. Delivery of cargoes and placing of discharged vessels. |
| | 67. Penalty on wharfingers giving undue preference. |
| | 68. Goods may be removed from the quays, &c. after lying there longer than allowed by bye-laws. |
| | 69. Combustible matter on quays, &c. to be removed. |
| | 70. Combustibles to be guarded during the night. |
| <i>Protection of the Harbour, Dock, and Pier.</i> | 71. Penalties against offences herein named:—Boiling or heating pitch, &c.; fires in vessels; fires within docks; loaded guns; gunpowder. |
| | 72. Power to enter ship and search for and extinguish fires or lights. |
| | 73. Penalty for throwing ballast, &c. into harbour or dock. |
| | 74. Owner of vessel answerable for damage to works. |
| | 75. As to the recovery of amount of damage to quays, &c. |
| | 76. Owner may recover damage from his servants. |
| <i>Lighthouses, Beacons, and Buoys.</i> | 77. Power to erect lighthouses and lay down buoys, with consent of Trinity House. |
| <i>Harbour and Dock Police.</i> | 78. Lights, beacons, or sea-marks not to be exhibited or altered without sanction of Trinity House. |
| | 79. Justices to appoint special constables named by the undertakers. |
| | 80. Dismissal of constables. |
| <i>Meters and Weighers.</i> | 81. Power to appoint meters and weighers. |
| | 82. Licensed meters and weighers only to be employed.—Penalty on other than licensed meters, &c. weighing goods. |
| | 83. Bye-laws may be made for all or any of the purposes herein named.—Bye-laws may be repealed or altered from time to time. |
| | 84. Bye-laws may be enforced by imposition of penalties. |
| | 85. No bye-laws to come into operation until allowed in the manner prescribed, and approved by one of the Judges. |
| <i>Bye-Laws.</i> | 86. Notice of allowance of bye-laws to be given in one or more newspapers. |
| | 87. A copy of proposed bye-laws to be open to inspection. |
| | 88. Publication of bye-laws. |
| | 89. Bye-laws to be binding on all parties. |
| | 90. Proof of publication of bye-laws. |
| | 91. Tender of amends. |
| <i>Recovery of Damages and Penalties.</i> | 92. Railways Clauses Consolidation Acts, 1845, as to damages, &c. to be incorporated with this and the special Act. |
| | 93. In Ireland part of penalties to be paid to guardians of unions. |
| | 94. All things required to be done by two Justices in England and Ireland may, in certain cases, be done by one, and in Scotland by the sheriff, &c. |
| | 95. Penalties, &c. imposed in respect of any offence committed within the metropolitan police district to be paid to the receiver and applied under 2 & 3 Vict. c. 71. |
| | 96. Persons giving false evidence liable to penalties of perjury. |
| <i>Access to special Act.</i> | 97. Copies of special Act to be kept by undertakers at their office, and deposited with the clerks of the peace, &c. and be open to inspection. |
| | 98. Penalty on undertakers failing to keep or deposit such copies. |
| | 99. Nothing in this or the special Act to affect the rights of the Crown; |
| <i>Saving of Rights.</i> | 100. Nor the rights of the Crown as to revenue, &c.; |
| | 101. Nor the rights of the City of London; |
| | 102. Nor the rights of Trinity House, &c. |
| | 103. Act not to exempt the undertakers from the provisions of any general Act. |
| | 104. Act may be amended, &c. |

By this Act,

After reciting that it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament authorizing the construction or improving of harbours, docks, and piers, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves:—

It is Enacted,

i. That this Act shall extend only to such harbours, docks, or piers as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith; and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as they are applicable to such undertaking, and shall, with the clauses of every other Act incorporated therewith, form part of such Act, and be construed therewith as forming one Act.

And with respect to the construction of this Act, and any Act incorporated therewith, it is enacted as follows:—

ii. The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the construction or improving of an harbour, dock or pier, and with which this Act shall be incorporated; and

the word "prescribed" used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word occurs shall be construed as if, instead of the word "prescribed" the expression "prescribed for that purpose in the special Act" had been used; and the expression "the prescribed limits," used with reference to the harbour, dock, or pier, shall mean the distance measured from the harbour, dock, or pier, or other local limits (if any) beyond the harbour, dock, or pier, within which the powers of the harbour-master, dock-master, or pier-master, for the regulation of the harbour, dock, or pier, shall by the special Act be authorized to be exercised; and the expression "the lands" shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; the expression "the harbour, dock, or pier" shall mean the harbour, dock, or pier, and the works connected therewith, by the special Act authorized to be constructed; the expression "the harbour-master" shall mean, with reference to any such harbour the harbour-master, and with reference to any such dock the dock-master, and with reference to any such pier shall mean the pier-master, respectively appointed by virtue of this or the special Act, and with respect to all acts authorized or required to be done by such harbour-master, dock-master, or pier-master, shall include the assistants of every such harbour-master, dock-master, or pier-master; and the expression "the undertakers" shall mean the persons by the special Act authorized to construct the harbour, dock, or pier, or otherwise carry into effect the purposes of the special Act with reference thereto.

III. The following words and expressions, in both this and the special Act and any Act incorporated therewith shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number, and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word "person" shall include corporation, whether aggregate or sole:

The word "lands" shall include messuages, lands, tenements, and hereditaments, or heritages of any tenure:

The word "vessel" shall include ship, boat, lighter, and craft of every kind, and whether navigated by steam or otherwise:

The word "master," when used in relation to any vessel, shall be understood to mean the person having the command or charge of the vessel for the time being:

The word "owner," when used in relation to goods, shall be understood to include any consignor, consignee, shipper, or agent for sale or custody of such goods, as well as the owner thereof:

The word "goods" shall include wares and merchandise of every description, and all articles in respect of which rates or duties are payable under the special Act:

The word "rate" shall mean any rate or duty or other payment in the nature thereof payable under the special Act:

The expression "the collector of rates" shall mean the person appointed by the undertakers to collect the rates by the special Act authorized to be levied by them, and shall include the assistants of such collector:

The word "month" shall mean calendar month:

The expression "superior courts," where the matter submitted to the cognizance of the superior courts arises in England or Ireland, shall mean Her Majesty's superior courts of record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the county palatine of Lancaster and the Court of Pleas of the county of Durham, and where such matter arises in Scotland, shall mean the Court of Session:

The word "oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath:

The word "county" shall include any riding or other division of a county having a separate commission of the peace, and in Scotland shall include stewardry, and any ward or other division of a county or stewardry having a separate sheriff, and it shall also include county of a city and county of a town:

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises, and where such matter arises in respect of lands situate not wholly in any one jurisdiction, shall mean a Justice acting for the place where any part of such lands shall be situate; and where any matter shall be authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two or more Justices met and acting together:

The word "sheriff" shall mean the sheriff depute of the county or ward of a county in Scotland and the steward depute of the stewardry in Scotland in which the matter submitted to the cognizance of the sheriff arises, and shall include the substitute of such sheriff depute and steward depute respectively:

The expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act; and if such expression be not there defined, it shall mean the General or Quarter Sessions of the Peace which shall be held at the place nearest to the situation of the harbour, dock, or pier for the county or place in which the harbour, dock, or pier, or the principal office thereof, is situate, or for some division of such county having a separate commission of the peace:

The expression "the Lords of the Admiralty" shall mean the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral.

And with respect to citing this Act or any part thereof, it is enacted as follows:—

IV. In citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression "The Harbours, Docks, and Piers Clauses Act, 1847."

V. For the purpose of incorporating part only of this Act with any Act hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act, with the exception of the clauses so described, shall be incorporated with such Act; and thereupon all the clauses of this Act so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

And with respect to the construction of the harbour, dock, or pier, it is enacted as follows:—

vi. Where by the special Act the undertakers shall be empowered, for the purpose of constructing the harbour, dock, or pier, to take or use any lands otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the power so given to them, be subject, if the harbour, dock, or pier be situate in England or Ireland, to the provisions and restrictions contained in this Act and in the Lands Clauses Consolidation Act, 1845, and if the harbour, dock, or pier be situated in Scotland to the provisions and restrictions contained in this and in the Lands Clauses Consolidated (Scotland) Act, 1846; and the undertakers shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of this or the special Act, or injuriously affected by the construction of the works thereby authorized, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties by reason of the exercise as regards such land of the powers vested in the undertakers by this or the special Act, or any Act incorporated therewith, and except where otherwise provided by this or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by the said Lands Clauses Consolidation Acts for determining questions of compensation with regard to lands purchased or taken under the provisions thereof, and all the provisions of the last-mentioned Acts shall be applicable to determining the amount of any such compensation, and to enforcing the payment or other satisfaction thereof.

vii. If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees or occupiers of any lands described on the plans or books of reference relating to the harbour, dock, or pier deposited in compliance with the Standing Orders of either House of Parliament, or in the Schedule to the special Act, the undertakers, after giving ten days' notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply, in England or Ireland, to two Justices, and in Scotland to the sheriff, for the correction thereof; and if it appear to such Justices or sheriff that such omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate shall, along with the other documents to which it relates, be deposited, in England and Ireland, with the clerk of the peace of the several counties in which the lands affected by such alteration are situate, and in Scotland with the sheriff clerk of such counties, and with the schoolmasters of the several parishes in which such lands are situate, and with the town clerk if such lands be situate in a royal burgh; and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and the undertakers may make the works in accordance with such certificate, as if such omission, mis-statement, or wrong description had not been made.

viii. The undertakers shall not commence the execution of the harbour, dock, or pier, unless they shall have previously deposited with the said clerks of the peace in England and Ireland, and with the sheriff clerk in Scotland, of every county in which the harbour, dock, or pier is situate, a plan and section of all such alterations from the original plan and section, as shall have been approved of by Parliament, on the same scale and containing the same particulars, as the original plan and section, and shall also have deposited with the pariah clerks of the several parishes in England, and the clerks of the unions of the parishes in Ireland, and the schoolmasters of the several parishes and the town clerk of any royal burgh in Scotland in which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes and royal burghs respectively.

ix. The said clerks of the peace, sheriff clerks, pariah clerks, clerks of unions, schoolmasters and town clerks shall receive the said plans and sections of alterations, and copies and extracts thereof respectively, and shall retain the same as well as the said original plans and sections, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of the original plans and sections by an Act 7 Will. 4. & 1 Vict. c. 83, intituled 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

x. True copies of the said plans and books of reference, or of any alteration or correction thereof, or extract therefrom, certified by any such clerk of the peace or sheriff clerk, which certificate such clerk shall give to all parties interested when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

xi. The undertakers in making the harbour, dock, or pier shall not deviate from the line of the works laid down in the said plans more than the prescribed number of yards, and where no number of yards is prescribed not more than ten yards, nor in any case to any greater extent than the line of lateral deviation described in the said plans with respect to such harbour, dock, or pier, nor take or use for the purpose of such deviation the lands of any person not mentioned in the books of reference, without his previous consent in writing, unless the name of such person have been omitted by mistake, and the fact that such omission proceeded from mistake, have been certified in manner hereinbefore provided.

xii. The undertakers shall not construct the harbour, dock, or pier, or any part thereof, or any works connected therewith, on any part of the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and reflows, without the previous consent of Her Majesty, her heirs and successors, to be signified in writing under the hands of two of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the Lords of the Admiralty, to be signified in writing under the hand of the secretary of the Admiralty, and then only according to such plan and under such restrictions and regulations as the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said Lords of the Admiralty approve of, such approval being signified as last aforesaid; and where any such work shall have been constructed with such consent as aforesaid, the undertakers shall not at any time alter or extend the same, without obtaining, previously to making any such alteration or extension, the like consents or approvals; and if any such work shall be commenced or completed without such consent and approval, the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said Lords of the Admiralty may abate and remove the same, and restore the site thereof to its former condition,

at the cost of the undertakers, and the amount of such costs shall be a debt due to the Crown, and recoverable against the undertakers accordingly: Provided always, that if the conservancy of the navigable river shall legally belong to any person the like consent and approval of such person shall also be necessary in addition to the consents and approvals hereinbefore required; and if the right of property of or in the shore shall legally belong to any person, such right shall not be prejudiced except so far as power to purchase the same shall be given by the special Act.

XIII. If the undertakers propose to make any deviations from or alterations in the plans of their works, deposited as aforesaid, they shall, before adopting and carrying such deviations or alterations into execution, submit the plans thereof to the Lords of the Admiralty, and also to the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings; and no deviations from or alterations in the deposited plans shall be adopted by the undertakers unless approved by the Lords of the Admiralty or the said Commissioners respectively, signified in manner aforesaid, or otherwise, as they shall think proper.

And with respect to the construction of works for the accommodation of the officers of Customs, it is enacted as follows:—

XIV. The undertakers, before they shall be entitled to take any rates in respect of the harbour, dock, or pier, if required so to do by the Commissioners of Her Majesty's Customs, or at any time thereafter when so required, shall erect on a suitable spot within or near the harbour, dock, or pier, to be approved of by the said Commissioners, and always thereafter maintain, a watch-house and boat-house for the use of the tide-surveyors of the Customs and their crew of such size and materials and in such manner as shall be approved of by the said Commissioners, and shall also, to the satisfaction of the said Commissioners, provide from time to time a sufficient number of huts for the use of the officers of revenue, with all fit and necessary weighing materials; and shall at all times keep such watch-house, boat-house, huts, and weighing materials in good and sufficient repair.

XV. If at any time such watch-house and boat-house or such huts or weighing materials shall be out of repair or not provided as required by the said Commissioners, and notice thereof be given to the undertakers, they shall repair or provide the same to the satisfaction of the said Commissioners within three months after such notice, or in default thereof shall forfeit the sum of 100*l.* for every month during which such watch-house, boat-house, huts or weighing materials shall continue out of repair or be not provided, such penalty to be recovered in any of the superior courts against the undertakers as a debt due to the Crown, and to be sued for by any officer of Customs, by the direction of the said Commissioners.

And with respect to life-boats, it is enacted as follows:—

XVI. Unless it be provided by the special Act that the undertakers need not provide life-boats, the undertakers, before they shall be entitled to take any rates in respect of the harbour, dock or pier, shall provide and always thereafter maintain in good repair an efficient and well-appointed life-boat, a Manby's mortar, and a sufficient supply of Carte's rockets, or such other mortar and rockets as the Lords of the Admiralty, by writing under the hand of the secretary of the Admiralty, shall approve of, with all necessary tackle, and a competent crew and proper persons for the effectual working thereof for the assistance and succour of vessels in distress; and the undertakers shall cause such life-boat, mortar and rockets to be stationed at or upon the most advanced works of the harbour, dock, or pier, or such other place as the Lords of the Admiralty shall approve of as aforesaid, and to be used on all necessary occasions.

XVII. The undertakers shall be liable to a penalty not exceeding 2*l.* for every twenty-four hours during which the said life-boat, mortar and rockets, or any of them, or the tackle belonging thereto, shall not be provided or maintained and stationed as aforesaid.

And with respect to keeping a tide and weather gauge, it is enacted as follows:—

XVIII. Unless it be provided by the special Act that the undertakers need not provide a tide or weather gauge, the undertakers, before they shall be entitled to take any rates in respect of the harbour, dock, or pier, shall provide, and always thereafter maintain in good repair and working order, in a proper part of the harbour, dock, or pier, and in such manner as the Lords of the Admiralty shall by writing under the hand of the secretary of the Admiralty approve of, an efficient self-registering tide gauge, with a barometer, and they shall cause the daily working and results of the said tide gauge and barometer, and a daily account of the state of the wind and weather, to be regularly and properly kept, and shall cause the full and true results and details thereof to be sent monthly to the secretary of the Admiralty.

XIX. The undertakers shall be liable to a penalty not exceeding 2*l.* for every twenty-four hours during which the said self-registering tide gauge and barometer shall not be provided or maintained, or such account of the wind and weather shall not be kept as aforesaid; and they shall be liable to a penalty not exceeding 10*l.* for each month they shall neglect or refuse to send as aforesaid to the secretary of the Admiralty a full and true account of the daily workings of the said tide gauge and barometer, and of the daily state of the wind and weather.

And with respect to the construction of warehouses, wharfs, and other conveniences, it is enacted as follows:—

XX. The undertakers, in addition to the lands authorized to be compulsorily taken by them under the powers of the special Act, may contract with any party willing to sell the same for the purchase of any lands adjoining or near to the undertaking for extraordinary purposes; (that is to say),

For making and providing additional yards, wharfs, and places for receiving, depositing, and loading or unloading goods, and for the erection of weighing machines, toll houses, offices, warehouses, sheds and other buildings and conveniences:

For making convenient roads to the harbour, dock or pier, or any other purpose which may be requisite or convenient for the formation or use thereof.

XXI. The undertakers may, as well upon the said lands as upon any other lands acquired by them under the provisions of this and the special Act, construct such warehouses, storehouses, sheds and other buildings and works as they may deem necessary for the accommodation of goods shipped or unshipped within the harbour, dock, or pier, and may erect or provide such cranes, weighing and other machines, conveniences, weights and measures as they think necessary for loading, unloading, measuring and weighing such goods.

XXII. The undertakers or their lessees shall provide proper servants and labourers for working such cranes at all reasonable times for the use of the public.

XXIII. The undertakers may lease or grant the use or occupation of any warehouses, buildings, wharfs, yards, cranes, machines, or other conveniences provided by them for the purposes of this or the special Act, at such rents and upon such terms and conditions as shall be agreed upon between the undertakers and the persons taking the same, provided that no such lease be granted for a longer term than three years.

And with respect to the quays, it is enacted,

XXIV. That the quays of the harbour, dock, or pier shall not be deemed to be legal quays for the shipping and unshipping of goods until the same have been approved of by the Commissioners of Her Majesty's Treasury and the Commissioners of Her Majesty's Customs respectively for that purpose; and such quays, and the use thereof, shall be subject to all the same rules, regulations and restrictions to which legal or lawful quays are or may be by law subject.

And with respect to the rates to be taken by the undertakers, it is enacted as follows:—

XXV. Except where it is otherwise provided by the special Act the undertakers shall not take any rate until the harbour, dock or pier in respect of the use of which the same is payable is completed and fit for the reception of vessels, or other the purpose for which the same is intended.

XXVI. A certificate under the hand of the chairman of the Quarter Sessions in England or Ireland, and of the sheriff in Scotland shall be conclusive evidence that the harbour, dock, or pier is completed and fit for the reception of vessels, or other the purpose intended, and such chairman or sheriff shall sign such certificate on proof being adduced to him of such completion and fitness.

XXVII. For the purpose of ascertaining the tonnage rates payable upon vessels under this or the special Act, the tonnage of British vessels duly registered according to law shall be ascertained according to the certified tonnage in the register of such vessels, and the tonnage of all other vessels shall be ascertained according to the rules of admeasurement for the time being established by law for regulating the admeasurement of the tonnage and burthen of the merchant shipping of the United Kingdom.

XXVIII. Nothing in this or the special Act contained shall extend to charge with rates or duties, or to regulate or subject to any controul, any vessel belonging to or employed in the service of Her Majesty, her heirs and successors, or any member of the royal family, or in the service of the Customs or Excise, or of the corporation of Trinity House of Deptford Strond, or the Commissioners of Northern Lights, using the harbour, dock, or pier, and not conveying goods for hire, or any packet boat or post office packet, being a packet boat or post office packet as defined under the provisions of any Act relating to the Post Office, or any post office bag of letters conveyed by any such packet boat or packet or by any other vessel whatsoever, or any of the officers or persons employed in the service of the Admiralty, Ordnance, Customs, Excise or Post Office, or their baggage, or any vessel or goods being under seizure by the officers of revenue, or any naval, victualling or ordnance stores, or other stores or goods for the service of or being the property of Her Majesty, or any troops landed upon or delivered or disembarked from any of the quays of the harbour, dock, or pier, or their baggage, but all such vessels, officers or persons as aforesaid shall have the free use of the harbour, dock, or pier without any charge or rate being made for using the same: Provided always, that if any person claim and take the benefit of any such exemption as aforesaid without being entitled thereto, he shall for every such offence be liable to a penalty not exceeding 10*l*.

XXIX. If any vessel for which the rates have been paid be obliged, from stress of weather or other sufficient cause, after leaving the harbour, dock, or pier to return with the same cargo, the rates so paid shall not again be payable in respect of such vessel.

XXX. The undertakers may from time to time vary the rates or any of them respectively in such manner as they think expedient, by reducing or raising the same, provided that the rates do not in any case exceed the amount authorized by the special Act to be taken, and provided also that the rates be at all times charged equally to all persons in respect of the same description of vessel and the same description of goods.

XXXI. Provided always, That the rates chargeable by this or the special Act upon vessels not entitled to the privileges of a British ship, or upon goods imported or exported in such vessel, or upon persons not being British subjects, shall not be applicable to vessels belonging to countries with which treaties of reciprocity shall have been concluded, so long as such treaties shall continue in force, nor to the goods imported or exported therein, nor to the subjects of such countries, but during such period the same rates shall be levied upon the vessels of such countries, and upon the goods imported or exported therein, and upon the subjects of such countries, as may be from time to time payable under this or the special Act upon vessels entitled to the privileges of British ships, or upon goods imported or exported in such vessels, or upon the subjects of such countries.

XXXII. The undertakers may from time to time agree with the proprietors or masters of vessels engaged in transporting passengers, or with any other persons using the dock, harbour, or pier, either for purposes of business or pleasure, for the payment of a fixed sum, payable in advance, as a composition, by the year or other shorter period, for the rates payable by

or in respect of such passengers or their luggage, or by such other persons as aforesaid: Provided always, that if the undertakers at any time make any such agreement by way of composition as aforesaid, the proprietors or masters of all other vessels engaged in like manner, and all other persons using or frequenting the harbour, dock or pier as aforesaid, may compound for the rates payable by them respectively upon the like terms as shall be contained in such agreement, and the undertakers shall accept such composition accordingly, to the intent that such rates may not be compounded for partially or in favour of any particular person or party whatsoever.

XXXIII. Upon payment of the rates made payable by this and the special Act, and subject to the other provisions thereof, the harbour, dock, and pier shall be open to all persons for the shipping and unshipping of goods and the embarking and landing of passengers.

And with respect to the collection and recovery of rates, it is enacted as follows:—

XXXIV. The collector of rates may, either alone or with any other persons, enter into any vessel within the limits of the harbour, dock, or pier, in order to ascertain the rates payable in respect of such vessel, or of any goods therein.

XXXV. Within twenty-four hours after the arrival within the limits of the harbour, dock, or pier of any vessel liable to rates, the master of such vessel shall report such arrival to the harbour-master, and if he fail to make such report within the time aforesaid he shall be liable to a penalty not exceeding 10*l*.

XXXVI. The master of every registered vessel shall, on demand, produce the certificate of the registry of such vessel to the collector of rates, and if any such master refuse or neglect to make such production, on demand, he shall be liable to a penalty not exceeding 20*l*.

XXXVII. When any goods are intended to be unshipped within the limits of the harbour, dock, or pier, the master of the vessel containing such goods shall, within twelve hours after the arrival of such vessel within the limits of the harbour, dock, or pier, deliver to the collector of rates the name of the consignee of the goods intended to be unshipped, or other person to whom the same are to be delivered, and, if the whole cargo be intended to be unshipped, a copy of the bill of lading or manifest of the cargo, or, if part only of the cargo be intended to be unshipped, the best account in writing in his power of the kinds, weights, and quantities of the several goods intended to be unshipped; and every such master shall, if required so to do by the collector of rates, give to him twelve hours' notice of the time at which the cargo of such vessel, or any part of the same, is intended to be unshipped.

XXXVIII. Every master of a vessel of which the cargo or part of the cargo shall be unshipped within the limits of the harbour, dock, or pier, who shall have failed to deliver or to give any of the particulars in regard to the cargo or the notice in regard to the unshipment thereof hereinbefore required to be delivered or given by such master, or who shall deliver or give any false particulars or notice, shall for every such offence be liable to a penalty not exceeding 10*l*.

XXXIX. Before any person shall ship any goods on board of any vessel lying within the limits of the harbour, dock, or pier he shall give to the collector of rates a true account, signed by him of the kinds, quantities, and weights of such goods; and every person who shall ship any goods in any such vessel without having given such accounts, or who shall give or sign a false account of such goods, shall for every such offence be liable to a penalty not exceeding 10*l*.

XL. If any difference arise between the collector of the rates and the master of any vessel or the owner of any goods, concerning the weight or quantities of the goods in respect of which any rates are payable, such collector may cause all such goods to be weighed or measured, and, if necessary, may detain the vessel containing such goods until they have been weighed or measured.

XLI. If the weight or quantity of such goods be greater than that shewn by the manifest, bill of lading, account, or statement delivered by the master of the vessel or by the owner of the goods, the expenses of such weighing or measuring shall be paid to the undertakers, and shall be recoverable by the same means as are herein or in the special Act provided for the recovery of rates; but if the weight or quantity of such goods be the same or less than that shewn by the manifest, bill of lading, account or statement so delivered, the undertakers shall pay all the expenses of such weighing or measuring, and shall also pay to the master of the vessel or to the owner of the goods all the expenses occasioned by such weighing or measuring, or by the detention of the vessel for that purpose.

XLII. The rates payable to the undertakers in respect of any goods shipped or unshipped within the limits of the harbour, dock, or pier shall be paid as follows; (that is to say,) if such goods are to be shipped they shall be paid before the shipment, or if such goods are to be unshipped they shall be paid before the removal of the goods from the premises of the undertakers, and before the expiration of two months next after they were unshipped.

XLIII. If the master of any vessel or the owner of any goods evade the payment of the rates payable to the undertakers in respect of such vessel or goods or any part thereof, he shall pay to them three times the amount of the rates of which he shall so have evaded the payment, and the same shall be recovered from such master or owner respectively in the same manner as penalties imposed by this Act are directed to be recovered, or by action in any court of competent jurisdiction.

XLIV. If the master of any vessel in respect of which any rate is payable to the undertakers refuse or neglect to pay the same or any part thereof, the collector of rates may, with such assistance as he may deem necessary, go on board of such vessel and demand such rates, and on non-payment thereof, or any part thereof, take, detain, or arrest, of his own authority, such vessel, and the tackle, apparel, and furniture belonging thereto, or any part thereof, and detain the matter so distrained or arrested until the rates are paid; and in case any of the said rates shall remain unpaid for the space of seven days next after any distress or arrestment so made, the said collector may cause the matters so distrained or arrested to be appraised by two or more sworn appraisers and afterwards cause the matters distrained or arrested, or any part thereof, to be sold, and with the proceeds of such sale may

satisfy the rates so unpaid, and the expenses of taking, keeping, appraising, and selling the matters so distrained or arrested, rendering the overplus (if any) to the master of such vessel upon demand.

XLV. If default be made in the payment of the rates payable in respect of any such goods, the collector of rates may distrain, or arrest, of his own authority, such goods, and for that purpose may enter any vessel within the limits of the harbour, dock, or pier in which the goods may be, with such assistance as he shall deem necessary, or if the said goods have been removed without payment of such rates he may distrain or arrest any other goods within the limits of the harbour, dock, or pier, or the premises of the undertakers, belonging to the person liable to pay such rates, and may sell the goods so distrained or arrested, and out of the proceeds of such sale pay the rates due to the undertakers, rendering the overplus, if any, to the owner of such goods, on demand; or the undertakers may recover such rates by action in any court having competent jurisdiction: Provided always, that the collector of rates shall, before making any such distress or arrestment as aforesaid, pay all duties which may be payable to Her Majesty in respect of the goods so distrained or arrested, and he may retain the amount of duties so paid out of the proceeds arising from the sale of such goods.

XLVI. If any dispute arise concerning the amount of any rates due, or the charges occasioned by any distress or arrestment, by virtue of this or the special Act, the person making such distress or using such arrestment may detain the goods distrained or arrested until the amount of the rates due or the charges of such distress or arrestment be ascertained by a Justice, if in England or Ireland, and by the sheriff if in Scotland, who, upon application made to him for that purpose, shall determine the same, and award such costs to be paid by either of the parties to the other of them as he shall think reasonable, and such costs, if not paid on demand, shall be levied by distress or pawning and sale, and such Justice or sheriff shall issue his warrant accordingly.

XLVII. The undertakers shall from time to time cause to be painted on boards, or to be printed and attached to boards, in large and legible characters, a list of the several rates for the time being payable, and shall cause such boards containing such lists to be fixed in front of the principal office of business of the undertakers, and on some conspicuous part of the quays of the harbour, dock, or pier; and no rate shall be payable during such time as such list is not so affixed, nor shall any rate not specified in such list be payable: Provided always, that if any such list be destroyed, injured or obliterated, the rates shall continue payable during such time as may be reasonably required for the restoration or reparation of such list, in the same manner as if such list had continued affixed and in the state required by this Act.

XLVIII. The collector or other proper officer of Her Majesty's Customs for the district within which the harbour, dock or pier is situate may, with the consent of the Commissioners of Her Majesty's Customs, refuse to receive any entry, or give any cocket, discharge or clearance, or to take any report inwards or outwards of any vessel liable to the payment of any of the rates imposed by the special Act, until the master of such vessel produces to such collector or officer a certificate, under the hand of the collector of rates, that the rates payable in respect of such vessel, and any goods imported or exported by such vessel have been paid, or, if there be any dispute as to the rates payable, until such collector or officer shall be satisfied that sufficient security has been given for the payment of such rates when ascertained, together with the expenses arising from the non-payment thereof.

And with respect to the accounts to be kept of the rates, and of the vessels in respect of which they are payable, it is enacted as follows:—

XLIX. The undertakers shall keep books of account, in which shall be entered the several sums received by or payable to them for rates in respect of vessels, the tonnage of each vessel for which such rates are received or payable, the name of the master thereof, the port to which such vessel belongs, the place from which on each occasion such vessel arrived, and the place to which on each occasion such vessel is bound, and also the several sums received by or payable to them in respect of the goods landed from or taken on board every vessel within the limits of the harbour, dock, or pier.

L. The undertakers shall every year cause an annual account in abstract to be prepared, shewing the total receipt and expenditure of all monies levied by virtue of this or the special Act, for the year ending the 31st of December or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account duly audited and certified by the clerk or secretary for the time being of the undertakers, and shall send a copy of the said account, free of charge, to the clerk of the peace in England and Ireland, and the sheriff clerk in Scotland, for the county or of the counties respectively, if more than one, in which the harbour, dock, or pier is situate, on or before the expiration of one month from the day on which such account shall end, which accounts shall be open to the inspection of the public at all reasonable hours, on payment of the sum of 1s. for every such inspection: Provided always, that if the undertakers omit to prepare and send such accounts as aforesaid, they shall forfeit for every such omission the sum of 20l.

And with respect to the appointment of harbour-masters, dock-masters, and pier-masters, and their duties, it is enacted as follows:—

LI. The undertakers may appoint such harbour-masters as they think necessary (including in such expression dock-masters and pier masters, as hereinbefore defined), and from time to time, as often as they think fit, may remove any such harbour-master.

LII. The harbour-master may give directions for all or any of the following purposes; (that is to say,)

For regulating the time at which and the manner in which any vessel shall enter into, go out of, or lie in or at the harbour, dock, or pier, and within the prescribed limits, if any, and its position, mooring or unmooring, placing and removing, whilst therein:

For regulating the position in which any vessels shall take in or discharge its cargo or any part thereof, or shall take in or land its passengers, or shall take in or deliver ballast within or on the harbour, dock, or pier:

For regulating the manner in which any vessel entering the harbour or dock or coming to the pier shall be dismantled, as well for the safety of such vessel as for preventing injury to other vessels and to the harbour, dock, or pier, and the moorings thereof:

For removing unserviceable vessels, and other obstructions from the harbour, dock, or pier, and keeping the same clear:

For regulating the quantity of ballast or dead weight in the hold which each vessel in or at the harbour, dock, or pier shall have during the delivery of her cargo, or after having discharged the same:

Provided always, that nothing in this or the special Act contained shall authorize the harbour-master to do or cause to be done any act in any way repugnant to or inconsistent with any law relating to the Customs, or any regulation of the Commissioners of Her Majesty's Customs.

LIII. The master of every vessel within the harbour or dock, or at or near the pier, or within the prescribed limits, if any, shall regulate such vessel according to the directions of the harbour-master, made in conformity with this and the special Act; and any master of a vessel, who, after notice of any such direction by the harbour-master served upon him, shall not forthwith regulate such vessel according to such direction, shall be liable to a penalty not exceeding 20*l*.

LIV. If any harbour-master, or any of his assistants, without reasonable cause, or in an unreasonable or unfair manner, exercise any of the powers or authorities vested in the harbour-master by this or the special Act, the person so offending shall for every such offence be liable to a penalty not exceeding 5*l*.

LV. If any person give or offer any sum of money, or anything whatsoever, by way of reward or bribe to any harbour-master or any officer employed in or about the harbour, dock, or pier, for the purpose of gaining an undue preference in the execution of his office, or for the purpose of inducing such harbour-master or other officer to do or omit to do anything relating to his office, or if such harbour-master or other officer receive any such reward or bribe as aforesaid, every person so offending shall be liable for every such offence to a penalty of 20*l*.

LVI. The harbour-master may remove any wreck or other obstruction to the harbour, dock, or pier, or the approaches to the same, and also any floating timber which impedes the navigation thereof, and the expense of removing any such wreck, obstruction, or floating timber shall be repaid by the owner of the same, and the harbour-master may detain such wreck or floating timber for securing the expenses, and on non-payment of such expenses, on demand, may sell such wreck or floating timber, and out of the proceeds of such sale pay such expenses, rendering the overplus, if any, to the owner on demand.

LVII. No vessel which shall be laid by or neglected, as unfit for sea service shall be permitted to lie within the limits of the harbour, dock, or pier, but the harbour-master may cause every such vessel to be, at the expense of the owner thereof, removed from the harbour, dock, or pier, and laid on any part of the strand or sea-shore, or other place where the same may, without injury to any person, be placed; and the charges of removing or placing such vessel may be recovered from the owner of such vessel by summary complaint, in England or Ireland, before any Justice of the Peace, and in Scotland before the sheriff; and in case of refusal or neglect of payment of such charges for the space of seven days after having been awarded by such Justice or sheriff, the harbour-master may levy such charges by distress and sale or pawning and sale of such vessel, or of the tackle, apparel, or furniture thereof, or any part thereof, and the Justice or sheriff shall issue his warrant accordingly.

LVIII. If the master of any vessel in or at the harbour, dock, or pier, or within the prescribed limits, if any, shall not moor, unmoor, place, or remove the same according to the directions of the harbour-master, or if there be no person on board of any such vessel to attend to such directions, the harbour-master may cause such vessel to be moored, unmoored, placed, or removed as he shall think fit, within or at the harbour, dock, or pier, or within the prescribed limits, and for that purpose the harbour-master may cast off, unloose or cut the rope, or unshackle or break the chain by which any such vessel is moored or fastened; and all expenses attending the mooring, unmooring, placing, or removing of such vessel shall be paid to the undertakers by the master of such vessel: Provided always, that before the harbour-master shall unloose or cut any rope or unshackle or break any chain by which any vessel, without any person on board to protect the same, shall be moored or fastened, he shall cause a sufficient number of persons to be put on board of such vessel for the protection of the same.

LIX. Before any vessel shall enter the harbour or dock or approach the pier the master thereof shall cause her to be dismantled as directed by the harbour-master; and if any vessel shall enter the harbour or dock or approach the pier without being dismantled in the manner required by the harbour-master, after notice shall have been given to the master of such vessel so to dismantle the same, such master shall for every such offence be liable to a penalty not exceeding 10*l*.

LX. Before any vessel shall enter into the dock the master of such vessel shall cause her sails to be lowered or furled; and if the master of any vessel shall navigate the same under sail into or in the dock he shall for every such offence be liable to a penalty not exceeding 10*l*.

LXI. Every vessel in the harbour or dock or at or near the pier shall have substantial hawsers, tow-lines, and fasts fixed to the dolphins, booms, buoys or mooring-posts, when required by the harbour-master; and if any vessel shall be in the harbour or dock or at or near the pier without substantial hawsers, tow-lines, or fasts fixed as aforesaid, after notice from the harbour-master to the master of such vessel to furnish or fix the same, such master shall for every such offence be liable to a penalty not exceeding 10*l*.

LXII. Every person other than the harbour-master who shall wilfully cut, break, or destroy the mooring or fastening of any vessel lying in the harbour or dock or at or near the pier shall for every such offence be liable to a penalty not exceeding 5*l*.

LXIII. As soon as the harbour or dock shall be so far completed as to admit vessels to enter therein, no vessel, except with the permission of the harbour-master, shall lie or be moored in the entrance of the harbour or dock, or within the prescribed limits, and if the master of any vessel either place it or suffer it to remain in the entrance of the harbour or dock, or within the prescribed

limits, without such permission, and do not, on being required so to do by the harbour-master, forthwith proceed to remove such vessel, he shall be liable to a penalty not exceeding 5*l*. and a further sum of 20*s*. for every hour that such vessel shall remain within the limits aforesaid, after a reasonable time for removing the same has expired after such requisition.

LXIV. Whenever the undertakers shall deem it necessary, for the purpose of repairing, scouring or cleansing the harbour, dock or pier, that any vessel lying therein or thereat shall be removed therefrom, the master of such vessel shall, within three days after notice in writing signed by the harbour-master has been given to him, remove such vessel according to such notice; and in case of his neglecting so to do, such master shall be liable to a penalty not exceeding 10*l*.

LXV. If the master of such vessel cannot be found, or if he neglect or refuse to remove the same, as required by the said notice, the harbour-master may remove such vessel to such station as he shall select and the expenses of such removal shall be paid to the undertakers by the owner of the said vessel or the master thereof: Provided always, that previous to the repair of harbour, dock, or pier which shall require the removal of the vessels therefrom, the harbour-master shall give three days' notice of such repair and of the necessity for such removal to the collector and comptroller of the Customs of the district within which the harbour, dock, or pier is situate, or which shall be specified for that purpose in the special Act, and cause a like notice to be affixed on some conspicuous part of such custom house and of the office of the undertakers.

And with respect to the discharging of vessels and the removal of the goods, it is enacted as follows:—

LXVI. The master of every vessel which shall go into the harbour or dock for the purpose of being discharged of her cargo shall cause her to be so discharged as soon as conveniently may be after entering therein, and shall cause her, after being so discharged, to be removed, without loss of time, into such part of the harbour or dock as shall be set apart for light vessels and the harbour-master shall cause a part of the harbour or dock to be set apart for light vessels accordingly; and if the master of any such vessel shall not cause it to be so removed within twenty-four hours, after being required so to do by notice in writing signed by the harbour-master, he shall be liable to a penalty not exceeding 10*l*, and the harbour-master may cause such vessel to be so removed, and the expenses of such removal shall be paid to the undertakers by the master of such vessel.

LXVII. If any wharfinger or other servant of the undertakers, or any of their lessees, or the servants of such lessees, shall give any undue preference, or shew any partiality in loading or unloading any goods on any of the quays, wharfs, or other works belonging to the undertakers, the person so offending shall be liable to a penalty not exceeding 5*l*.

LXVIII. No goods shall be allowed to remain upon any of the piers or quays or in the approaches thereto for a longer time than shall be allowed by the bye-laws of the undertakers; and if any goods shall so remain without the consent of the undertakers the harbour-master, or any person appointed by the undertakers for that purpose, may remove the same to any of the premises of the undertakers or other convenient place, and keep the same until payment to the undertakers of the expenses of such removal, and of the keeping of the goods; and if such expenses be not paid within seven days after demand thereof made upon the owner, or if no such owner can be found, the harbour-master may sell such goods, and out of the proceeds of such sale pay such expenses, rendering the overplus, if any, to the owner on demand.

And with respect to the protection of the harbour, dock, and pier, and the vessels therein, from fire or other injury, it is enacted as follows:—

LXIX. Every person being the owner of or having the charge of any tar, pitch, resin, spirituous liquors, turpentine, oil, or other combustible thing which shall be upon any quay, dock, or wharf belonging to the undertakers, or on the deck of any vessel within the harbour or dock or at or near the pier, shall cause the same to be removed to a place of safety within two hours after being required so to do by notice in writing, signed by the harbour-master, and if he fail so to do shall forfeit a sum not exceeding 40*s*. for every hour such combustible thing shall remain in any such place as aforesaid after the expiration of two hours from the service of the said notice.

LXX. If any such combustible thing as aforesaid shall remain on any part of the quays or works connected with the harbour, dock, or pier, or on the deck of any vessel within the harbour or dock or at or near the pier, after sunset, the owner or person having the charge of the same, or on his default the harbour-master, at the expense of such owner, shall provide a sufficient number of persons to guard the same from half an hour before sunset to half an hour after sunrise; and such expense, if not paid by the said owner to the undertakers, on demand, shall be ascertained and recovered in the same manner as damages for the recovery of which no special provision is made are by this Act directed to be ascertained and recovered.

LXXI. Every person who shall commit any of the acts following shall be deemed guilty of an offence, and shall for every such offence be liable to a penalty not exceeding 10*l*.; (that is to say,)

1. Every person who shall boil or heat any pitch, tar, resin, turpentine, oil, or other combustible matter in any vessel lying within the harbour or dock or near the pier, or in any place within the limits of the harbour, dock, or pier, except in such place and in such manner as shall be specially appointed by the undertakers for that purpose:
2. Every person who shall have or cause to be had any fire or lighted candle or lamp in any vessel within the harbour or dock, or at or near the pier, except with the permission of the harbour-master:
3. Every person who shall have or cause to be had any fire, candle, or lamp lighted within any of the docks or the works belonging to the same, except at such times and in such manner as shall be permitted by the bye-laws of the undertakers:
4. Every person who shall bring any loaded gun on the quays or works of the harbour or dock or on the pier, or shall have or suffer to remain any loaded gun in any vessel in the harbour or dock or at or near the pier:
5. Every person who shall, without the permission of the undertakers, bring or suffer to remain any gunpowder on the quays or works of the harbour or within the dock, or on the pier or in any vessel within the harbour or dock or at or near the pier.

LXXII. The harbour-master may enter into any vessel within the harbour or dock or at or near the pier, to search for any fire or light in or suspected to be in such vessel, contrary to the provisions of this or the special Act, or of any bye-law made in

pursuance thereof, and may extinguish the same; and any person who shall obstruct the harbour-master in the execution of such duty shall for every such offence be liable to a penalty not exceeding 10*l*.

LXXIII. Every person who shall throw or put any ballast, earth, ashes, stones, or other thing into the harbour or dock shall for every such offence be liable to a penalty not exceeding 5*l*.: Provided always, that nothing in this Act contained shall prejudice or prevent any person from adopting any measures which but for the passing of this Act he would be lawfully entitled to adopt for recovering any land which shall at any time have been lost to him, or severed from land belonging to him, by reason of the overflowing or washing of any navigable river, or for protecting his land from future loss or damage by the overflowing or washing of such navigable river.

LXXIV. The owner of every vessel or float of timber shall be answerable to the undertakers for any damage done by such vessel or float of timber, or by any person employed about the same, to the harbour, dock, or pier, or the quays or works connected therewith, and the master or person having the charge of such vessel or float of timber through whose wilful act or negligence any such damage is done shall also be liable to make good the same; and the undertaker may detain any such vessel or float of timber until sufficient security has been given for the amount of damage done by the same: Provided always, that nothing herein contained shall extend to impose any liability for any such damage upon the owner of any vessel where such vessel shall at the time when such damage is caused be in charge of a duly licensed pilot, whom such owner or master is bound by law to employ and put his vessel in charge of.

LXXV. If the amount claimed in respect of any such damage as aforesaid do not exceed 50*l*., such damage shall be ascertained, and the amount thereof shall, in England or Ireland, be recovered before two Justices, and in Scotland before the sheriff; and in addition to the remedies hereby provided for the recovery of the same, the Justices or sheriff before whom the same are recovered may cause the vessel or float of timber causing such damage, and any tackle and furniture thereof, to be distrained and kept until the amount of damages and costs awarded by them is paid, and if the same be not paid within seven days after such distress or keeping, may cause the property so distrained or kept, or any part thereof, to be sold, and out of the proceeds of such sale may pay the amount of damages and costs awarded by such Justices or sheriff, and all the charges incurred by the distress, keeping, and sale of such property.

LXXVI. If the owner of any vessel or float of timber make satisfaction for any such damage as aforesaid, wilfully or negligently done by the master or person having charge of such vessel or float of timber, or if the owner of any vessel or goods in any other case have been compelled to pay any penalty or costs by reason of any act or omission of any other person, the person who actually did such damage or who committed such offence shall repay to the owner of such vessel or such goods the amount of the damage or penalty and costs, together with the costs of the proceedings to enforce such repayment; and if such damage or penalty respectively do not exceed 50*l*. the sum may, in England or Ireland, be recovered before two or more Justices, and in Scotland before the sheriff.

And with respect to buoys, lighthouses, and beacons, it is enacted as follows:—

LXXVII. The undertakers shall lay down buoys for the guidance of vessels in such situations within the limits of the harbour, dock, or pier, and of such character, as shall from time to time be directed by the Corporation of Trinity House, Deptford Strand, the Corporation for preserving and improving the Port of Dublin, or the Commissioners of the Northern Lights respectively, according as the harbour, dock, or pier is situated in England, Ireland, or Scotland.

LXXVIII. The undertakers shall not erect any lighthouse or beacon, or exhibit or allow to be exhibited any light, beacon, or sea-mark without the sanction in writing of the said Corporation of Trinity House, of the said Corporation for preserving and improving the Port of Dublin, or of the said Commissioners of Northern Lights respectively, according as the harbour, dock, or pier is situated in England, Ireland, or Scotland, first having been obtained in that behalf; and if any such light, beacon, or sea-mark be exhibited with such sanction as aforesaid, the same shall not be afterwards altered without the like sanction; and every such light, beacon, and sea-mark shall be of such power and description, and shall be from time to time discontinued or altered, as the said Corporation or Commissioners respectively shall from time to time direct.

And with respect to the police of the harbour, dock, or pier, it is enacted as follows:—

LXXIX. Any two Justices may appoint such persons as shall be nominated for that purpose by the undertakers to be special constables within the limits of the harbour, dock, pier, and premises of the undertakers, and within one mile of the same; and every person so appointed shall be sworn in by any such Justices duly to execute the office of a constable within the limits aforesaid, and when so sworn in shall have the same powers, protections, and privileges within the limits aforesaid, and shall be subject to the same liabilities, as constables have or are subject to by the laws of the realm.

LXXX. Any two Justices may dismiss any such constable from his office, and upon such dismissal all powers, protections, and privileges vested in such constable shall cease.

And with respect to the appointment of meters and weighers, and their duties, it is enacted as follows:—

LXXXI. Where under the special Act the undertakers shall have the appointment of meters and weighers, the undertakers may appoint and license a sufficient number of persons to be meters and weighers within the limits of the harbour, dock, and pier, and remove any such persons at their pleasure, and may make regulations for their government, and fix reasonable rates to be paid, or other remuneration to be made to them for weighing and measuring goods.

LXXXII. When a sufficient number of meters and weighers have been appointed by the undertakers, under the powers of this and the special Act, the master of any vessel, or the owner of any goods shipped, unshipped, or delivered within or upon the harbour or dock or pier, shall not employ any person other than a weigher or meter licensed by the undertakers, or appointed by the Commissioners of Her Majesty's Customs, to weigh or measure the same; and if in such case any person other than a meter or weigher licensed by the undertakers, or a meter or weigher appointed by the Commissioners of Her Majesty's Customs, shall

weigh or measure any such goods as aforesaid, such person, as well as the person by whom he shall be employed, shall for every such offence be liable to a penalty not exceeding 5*l.*, and the weighing or measurement of any such goods by any such person shall be deemed illegal.

And with respect to the bye-laws to be made by the undertakers, it is enacted as follows :—

LXXXIII. The undertakers may from time to time make such bye-laws as they shall think fit for all or any of the following purposes ; (that is to say.)

For regulating the use of the harbour, dock, or pier :

For regulating the exercise of the several powers vested in the harbour-master :

For regulating the admission of vessels into or near the harbour, dock, or pier, and their removal out of and from the same, and for the good order and government of such vessels whilst within the harbour or dock, or at or near the pier :

For regulating the shipping and unshipping, landing, warehousing, stowing, depositing, and removing of all goods within the limits of the harbour, dock, or pier, and the premises of the undertakers :

For regulating (with the consent of the Commissioners of Her Majesty's Customs) the hours during which the gates or entrances or outlets to the harbour, dock, or pier shall be open :

For regulating the duties and conduct of all persons, as well the servants of the undertakers as others, not being officers of Customs or Excise, who shall be employed in the harbour, dock, or pier, and the premises of the undertakers :

For regulating the use of fires and lights within the harbour, dock, or pier, and the premises belonging thereto, and within any vessel being within the harbour or dock, or at or near the pier, or within the prescribed limits (if any) :

For preventing damage or injury to any vessel or goods within the harbour or dock, or at or near the pier, or on the premises of the undertakers :

For regulating the use of the cranes, weighing machines, weights, and measures belonging to the undertakers, and the duties and conduct of all weighers and meters employed by them :

For regulating the duties and conduct of the porters and carriers employed on the premises of the undertakers, and fixing the rates to be paid to them for carrying any goods, articles, or things from or to the same :

And the undertakers may from time to time, as they shall think fit, repeal or alter any such bye-laws : Provided always, that such bye-laws shall not be repugnant to the laws of that part of the United Kingdom where the same are to have effect, or the provisions of this or the special Act ; and such bye-laws shall be reduced into writing, and have affixed thereto the common seal of the undertakers if they be a body corporate, or the signatures of the undertakers or two of them if they be not a body corporate, and if affecting other persons than the officers or servants of the undertakers shall be confirmed and published as herein provided.

LXXXIV. The undertakers may, by the bye-laws so to be made by them, impose such reasonable penalties as they shall think fit, not exceeding 5*l.* for each breach of such bye-laws : Provided always, that such bye-laws shall be so framed as to allow the Justices or sheriff before whom any penalty imposed thereby shall be sought to be recovered to order the whole or part only of such penalty to be paid.

LXXXV. No bye-laws made under the authority of this or the special Act, except such as relate solely to the undertakers or their officers or servants, shall come into operation until the same be confirmed in the prescribed manner, and if no manner of confirmation be prescribed then not until they be allowed by some Judge of one of the superior courts, or in England or Ireland by the Justices at the Quarter Sessions, or in Scotland by the sheriff ; and it shall be incumbent on such Justices or sheriff, on the request of the undertakers, to inquire into any bye-laws tendered to them for that purpose, and to allow or disallow of the same, as they shall think meet.

LXXXVI. Provided always, That no such bye-laws shall be confirmed unless notice of the intention to apply for a confirmation of the same have been given in one or more newspapers of the county in which the harbour, dock, or pier, or the principal office thereof, is situate, one month at least before the hearing of such application ; and any person desiring to object to any such bye-law, on giving to the undertakers notice of the nature of his objection ten days before the hearing of the application for the allowance thereof, may, by himself or his counsel, attorney, or agent, be heard thereon, but not so as to allow more than one objecting party to be heard on the same matter of objection.

LXXXVII. For one month at least before any such application for confirmation of any bye-laws, a copy of the proposed bye-laws shall be kept at the principal office of the undertakers ; and all persons may, at all reasonable times, inspect such copy without fee or reward, and the undertakers shall furnish every person who shall apply for the same with a copy thereof, or of any part thereof, on payment of 6*d.* for every one hundred words so to be copied.

LXXXVIII. The said bye-laws when confirmed shall be published in the prescribed manner, and when no manner of publication is prescribed they shall be printed ; and the clerk to the undertakers shall deliver a printed copy thereof to every person applying for the same without charge, and a copy thereof shall be painted or placed on boards, and put up in some conspicuous part of the office of the undertakers, and also on some conspicuous part of the harbour, dock, or pier, and such boards, with the bye-laws thereon, shall be renewed from time to time, as occasions shall require, and shall be open to inspection without fee or reward, and in case the said clerk shall not permit the same to be inspected at all reasonable times he shall for every such offence be liable to a penalty not exceeding 5*l.*

LXXXIX. All bye-laws made and confirmed according to the provisions of this and the special Act, when so published and put up, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same.

XC. The production of a written or printed copy of the bye-laws requiring confirmation by a Judge of the superior courts or the Court of Quarter Sessions or the sheriff, authenticated by the signature of the Judge or of the chairman of the court or the sheriff who shall have approved of the same, and a written or printed copy of the bye-laws not requiring such confirmation, authenticated by the common seal of the undertakers if incorporated, or under the hands of the undertakers if not incorporated or any two of them, shall be evidence of the existence and due making of such bye-laws in all cases of prosecution under

the same, without proof of the signature of such Judge or chairman or sheriff, or the common seal or signature of the undertakers; and with respect to the proof of the publication of any such bye-laws, it shall be sufficient to prove that a board containing a copy thereof was put up and continued in manner by this Act directed, and in case of its afterwards being displaced or damaged that such board was replaced or restored as soon as conveniently might be, unless proof be adduced by the party complained against that such painted board did not contain a copy of such bye-laws, or was not duly put up or continued as directed by this Act.

xcv. And with respect to the tender of amends, it is enacted, That if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender have been made the defendant may, by leave of the Court where such action is pending, at any time before issue joined, pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices or the sheriff, it is enacted as follows:—

xcvi. If the harbour, dock, or pier be in England or Ireland, the clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to Justices, shall be incorporated with this and the special Act; and if the harbour, dock, or pier be in Scotland, the clauses of the Railway Clauses Consolidation Act (Scotland) 1845, with respect to the recovery of damages not specially provided for, and to the determination of any other matter referred to the sheriff or to Justices, shall be incorporated with this and the special Act, and such clauses shall apply to the harbour, dock, or pier, and to the undertakers respectively, and shall be construed as if the word "undertakers" had been inserted therein instead of the word "company."

xcvii. Provided always, That in Ireland, in the case of any penalty imposed by Justices, where the application is not otherwise provided for, such Justices may award not more than one-half of such penalty to the informer, and shall award the remainder to the guardians of the poor of the union within which the offence shall have been committed, to be applied in aid of the poor rates of such union.

xcviii. All things herein or in the special Act, or any Act incorporated therewith, authorized or required to be done by two Justices may and shall be done, in England and Ireland, by any one magistrate, having by law authority to act alone for any purpose with the powers of two or more Justices, and in Scotland by the sheriff or steward of any county, stewardry, or ward, or his substitute.

xcix. Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables are directed to be recovered, enforced, accounted for, paid, and applied by an Act, 2 & 3 Vict. c. 71, intituled 'An Act for regulating the Police Courts in the Metropolis'; and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal, and upon the same terms, as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined; and such witnesses shall be entitled to the same allowance of expenses as they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

xcx. Every person who, upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence shall be liable to the penalties of wilful and corrupt perjury.

And with respect to access to the special Act, it is enacted as follows:—

xcxi. The undertakers shall at all times, after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty or some of them, and shall also within the space of such six months deposit in the office of the clerk of the peace in England or Ireland, and of the sheriff clerk in Scotland, of the county in which the harbour, dock, or pier, or any part thereof, is situate, a copy of such special Act so printed as aforesaid; and the said clerk of the peace and sheriff clerk shall receive, and they and the undertakers respectively shall keep, the said copies of the special Act, and shall allow all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner and upon the like terms and under the like penalty for default as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

xcxii. If the undertakers fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy shall be not so kept or deposited.

And with respect to the saving of rights, it is enacted as follows:—

xcxiii. Nothing in this or the special Act, or any Act incorporated therewith, contained shall extend to alienate, defeat, vary, lessen, abrogate, or prejudice any estate, right, title, interest, prerogative, royalty, jurisdiction, or authority, of or appertaining to the Queen's most Excellent Majesty, her heirs or successors, nor to abridge, vary, or abrogate any of the powers or autho-

rities by law vested in the Lords of the Admiralty, or in the Commissioners of Her Majesty's Customs, or in the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, in relation to the possessions and land revenues of Her Majesty in right of her Crown, or otherwise howsoever.

c. Nothing in this or the special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's duties of Customs or Excise, or any other revenue of the Crown, or to extend to or affect any claim of Her Majesty in right of her Crown, or otherwise howsoever, or any proceedings at law or in equity by or on behalf of Her Majesty, in any part of the United Kingdom of Great Britain and Ireland.

ci. Nothing in this Act or the special Act contained shall prejudice or derogate from the estates, rights, liberties, interests, privileges, franchises, or authority of the mayor and commonalty and citizens of the city of London, or their successors, or the Lord Mayor of the said city for the time being.

cii. Nothing in this or the special Act contained shall prejudice or derogate from any of the rights or privileges, jurisdiction or authority of the Corporation of the Trinity House of Deptford Strond, the Corporation for preserving and improving the Port of Dublin, or the Commissioners of Northern Lights, or any lord of the manor within the limits of the harbour or dock.

ciii. That nothing herein or in the special Act contained shall be deemed to exempt the undertakers from the provisions, regulations, and conditions which may be contained in any general Act relating to harbours, docks, or piers, or to ports, harbours, or tidal waters, which may be passed in the same session in which the special Act is passed, or any future session of Parliament.

civ. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XXVIII.

AN ACT to amend the Acts relating to County Buildings.

(8th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Powers of recited Act and 7 Will. 4. & 1 Vict. c. 24. relative to the building of any new shire hall, &c., deemed to apply to the building, &c., although Assizes, &c. have heretofore been held in some place not being the property of the county.*
2. *Act may be amended, &c.*

By this Act,

After reciting that by 7 Geo. 4. c. 63, certain powers and authorities were given to the Justices of the Peace of any county, riding, or division in England and Wales, assembled at General or Quarter Sessions, and certain provisions were made relative to the altering and repairing of any shire hall or county hall accustomedly made use of for holding the assizes or sessions of the peace for any county, riding or division, and to the building of a shire hall or county hall, and to the purchasing any houses, lands, tenements, or hereditaments for that purpose, and to the conveying the same to trustees, and to the defraying the expenses thereby incurred, and to raising money for the same: And that it was by the said Act declared that the powers therein contained should not extend to any halls or other buildings not being the property of counties, ridings or divisions of counties, or holden in trust for them: And that by 7 Will. 4. & 1 Vict. c. 24, for explaining and amending the first-recited Act, it was enacted that the said powers, authorities, and provisions should authorize the building, altering, and repairing of any shire hall or county hall or other building used partly as a shire hall and partly as a town hall, in those cases in which such assizes and sessions as aforesaid had been usually holden in some town hall or other building not belonging exclusively to such county, riding, or division; And that doubts have been entertained whether the Justices at General or Quarter Sessions of the Peace for any county, riding, or division have power, under the said Acts or either of them, to build any shire or county hall, or to purchase land for the erection of the same, or to raise money for that purpose, where the assizes or sessions for such county, riding, or division have heretofore been usually holden in the town hall of some city or town not being the property of the county or riding for which such assizes or sessions are holden:—

It is Declared and Enacted,

1. That all the powers, authorities, and provisions in the said Acts contained relative to the building of any new shire hall or county hall, and to the purchasing of any houses, lands, tenements, or hereditaments for that purpose, and to defraying the expense of such building and purchase, and to raising money for the same, shall be deemed to apply to and to authorize and to have authorized the building of any new shire hall or county hall, and the purchasing of any houses, lands, tenements, and hereditaments for that purpose, and defraying the expense of such building and purchase, and the raising of money for the same, although the assizes or sessions of the peace for the county, riding, or division have theretofore been usually holden in the town hall of some city or town not being the property of the county, riding, or division, and whether such town hall shall or shall not be pulled down; and the houses, lands, tenements, and hereditaments so purchased shall be conveyed to such persons as the said Justices shall from time to time think fit to direct, in trust for the county, riding, or division; and such houses, lands, tenements, and hereditaments, and such new shire hall or county hall, shall be and be held for the exclusive use of the county, riding, or division.

11. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XXIX.

AN ACT to limit the Hours of Labour of young Persons and Females in Factories.

(8th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Limiting the hours during which persons are to be employed in mills and factories.*
2. *Limiting the number of hours for which persons under eighteen years of age are to be employed.*
3. *Act extended to females above eighteen.*
4. *Recited Acts and this Act to be construed as one Act.*
5. *Act may be amended, &c.*

By this Act,

After reciting the passing of 3 & 4 Will. 4. c. 103, and 7 & 8 Vict. c. 15; and that by the said first-mentioned Act it was provided, that no person under the age of eighteen years should be employed in any such mill or factory as in the said Act is mentioned, in any such description of work as thereinbefore specified, more than twelve hours in any one day, nor more than sixty-nine hours in any one week, except as thereafter is provided; and by the said last-mentioned Act it was provided that no female above the age of eighteen years should be employed in any factory as defined by the said Act, save for the same time and in the same manner as young persons (by the said Act defined to be persons of the age of thirteen years and under the age of eighteen years) might be employed in factories: and that it is expedient to alter the said Acts for the purpose of further restricting the hours of labour of young persons and females in factories:—

It is Enacted,

i. That, notwithstanding any thing in the said Acts contained, from the 1st of July 1847 no person under the age of eighteen years shall be employed in any such mill or factory, in such description of work as in the said first-mentioned Act is specified, for more than eleven hours in any one day, nor for more than sixty-three hours in any one week, except as in the said Act is provided; and that from the said 1st of July 1847 the said two Acts before mentioned shall in all respects be construed as if the provision in the provision in the said first-mentioned Act contained, as to persons under the age of eighteen years working in mills and factories, had been confined to eleven hours instead of twelve hours in any one day, and to sixty-three hours in any one week instead of sixty-nine hours.

ii. That from the 1st of May 1848 no person under the age of eighteen years shall be employed in any such mill or factory, in such description of work as in the said first-mentioned Act is specified, for more than ten hours in any one day nor more than fifty-eight hours in any one week, except as in the said Act is provided; and that from the 1st of May 1848 the said two Acts shall in all respects be construed as if the provision in the said first-mentioned Act contained, as to persons under the age of eighteen years working in mills and factories, had been confined to ten hours instead of twelve hours in any one day, and fifty-eight hours in any one week instead of sixty-nine hours.

iii. That the restrictions respectively by this Act imposed as regards the working of persons under the age of eighteen years shall extend to females above the age of eighteen years.

iv. That the said two hereinbefore mentioned Acts as amended by this Act, and this Act, shall be construed together as one Act.

v. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. XXX.

AN ACT for extending the Period of Service of Boys in Her Majesty's Navy.

(8th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Boys entering the navy under sixteen years of age may be detained seven years in the service, and upon any special emergency may be detained for a further period. Persons under arrest not entitled to discharge until arrest, &c. shall have ceased.*
2. *Persons entering the navy under the age of sixteen entitled to certain privileges on discharge. Persons allowed to re-enter and receive bounty at the expiration of seven years, and shall serve a further period of five years.*
3. *Statement made as to age to be conclusive evidence.*
4. *Act not to extend to diminish authority of Admiralty to discharge seamen.*
5. *Act may be amended, &c.*

By this Act,

After reciting the passing of 5 & 6 Will. 4. c. 24, it was enacted, that no person shall be liable to be detained against his consent in the naval service of his Majesty for a longer period than five years, to be computed from the day of his being entered into the same, unless he shall have voluntarily entered for a longer term, and except as thereafter provided; and that it is expedient that boys who enter into the naval service of Her Majesty when under the age of sixteen years shall, if not previously discharged, remain in such service in all cases for the period of seven years:—

It is therefore Enacted,

1. That every boy who, when under the age of sixteen years, shall enter the service of Her Majesty's navy shall be liable to be detained in the said service, either with or against his consent, for any period not exceeding seven years, to be computed from the day of his being entered into the same; and at the expiration of such seven years he shall, upon his application for that purpose, be entitled to be discharged, unless the admiral or commanding officer of the fleet, division, or squadron under whose command he shall be, in consequence of any special emergency, deem it advisable not to discharge him, in which case such admiral or commanding officer shall have power to detain him in the said service for a further period of six calendar months, or until such emergency shall have ceased, and then the person so detained shall be entitled to receive for such extra service one-fourth, in addition to the pay or wages of his rating: Provided always, that if any such person shall be under arrest or imprisonment at the period at which he shall be entitled to his discharge, then his discharge shall not take place until such arrest or imprisonment shall have ceased, or in case he shall have been put under arrest in order to be brought to trial for any offence, his discharge shall not take place until he have been tried for such offence, and have undergone the punishment to which he may be adjudged for the same by sentence of court-martial; and every person entitled to his discharge shall not be exempt from performance of the duties of his station, but be amenable and subject to the discipline of the navy, and to the several laws, regulations, and provisions in force for the time being for the government and regulation thereof, until he be actually discharged.

11. That every person who shall have entered the naval service of Her Majesty when under the age of sixteen years shall be entitled to the same privileges upon his discharge as other seamen are upon their discharge, but he shall not be entitled to the addition of one-fourth to the pay or wages of his rating until the expiration of the said seven years, and when serving in the fleet without having ever been discharged he shall not be entitled to any bounty which shall, by any order in Council or proclamation of Her Majesty then in force, be offered to seamen to volunteer to enter into the said service unless such order in Council or proclamation be in force when his service for seven years shall expire; and he shall, previous to the expiration of such service, signify to his commanding officer his desire to continue in the said service for a further period of five years, to be computed from the expiration of his service of seven years, and shall be allowed to re-enter accordingly, in which case he shall, upon such re-entering, be entitled to be paid the single bounty offered by Her Majesty's proclamation to volunteers of the class and rating for which he is suited; and every such volunteer shall, at the expiration of such further period of five years, be entitled to his discharge, under and subject to the like regulations and restrictions as volunteers are entitled to their discharge after five years' continuous service.

111. That the statement by any boy of his age at the time of his entry into the service of Her Majesty's navy shall be conclusive evidence of his being that age at the time of his entry, for the purposes of this Act.

1v. That nothing in this Act contained shall extend to controul or diminish the authority vested in the Lord High Admiral, and also in the Commissioners for executing the office of Lord High Admiral, to discharge as he or they shall think fit, or to authorize the discharge of any seaman or boy from Her Majesty's naval service.

v. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. XXXI.—IRELAND.

AN ACT to make further Provision for the Relief of the destitute Poor in *Ireland*.

(8th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Relief of destitute persons.*
2. *Out-door relief may be authorized.*
3. *Regulations as to application for relief, &c.*
4. *Relieving officers to be appointed.*
5. *Medical officers may be appointed.*
6. *If electoral division be at a greater distance than six miles from the place of meeting of guardians, it may be formed into a district for purposes of relief.*
7. *Relieving officers may give provisional relief until the next meeting of the guardians.*
8. *Relief to wife or child to be relief to husband or parent, as the case may be.*
9. *Relief not be given out of the union to which it is charged.*

10. *Occupiers of more than a quarter of an acre not deemed to be destitute.*
11. *How cost of out-door relief shall be charged.*
12. *What to constitute residence in electoral division.*
13. *Assistance to emigration.*
14. *Extension of 6 & 7 Vict. c. 92.*
15. *Expenses of emigration how to be charged.*
16. *Ex-officio guardians not to exceed the number of elective guardians.*
17. *Unions may be altered without consent of guardians.*
18. *The Poor Law Commissioners may dissolve a board of guardians, on default, without any intermediate election.*
19. *As to the performance of religious service in workhouses.*
20. *Commissioners empowered to purchase or hire additional land to be occupied with workhouses.*
21. *And also for the erection of a school for certain children in the North and South Dublin Unions.—Quantity of land to be purchased limited.*
22. *School to be conducted by a board of management chosen from the guardians of the North and South Dublin Unions.*
23. *Powers to purchase land and erect buildings.*
24. *Unions may be formed into school districts for the management of infant poor.*
25. *Qualifications, duties, appointment, removal, and salaries of officers.*
26. *Administration of relief to be subject to the controul of the Poor Law Commissioners.*
27. *Accounts of expenditure to be kept.*
28. *Recovery of sums disallowed.*
29. *Annual return of expenditure and number relieved.*
30. *Former Acts and this Act to be one Act.*
31. *Act may be amended, &c.*

By this Act,

After reciting that by 1 & 2 Vict. c. 56, and by subsequent Acts amending the same, provision has been made for the relief of the poor in workhouses by the guardians of the poor in the several unions in Ireland: And that the powers of the said guardians of the poor have not been found sufficient for the due relief of the destitute poor, and it is expedient to make further provision in that behalf:—

It is Enacted,

i. That the guardians of the poor of every union in Ireland shall make provision for the due relief of all such destitute poor persons as are permanently disabled from labour by reason of old age, infirmity, or bodily or mental defect, and of such destitute poor persons as, being disabled from labour by reason of severe sickness or serious accident, are thereby deprived of the means of earning a subsistence for themselves and their families, whom they are liable by law to maintain, and of destitute poor widows having two or more legitimate children dependent upon them; and it shall be lawful for the said guardians to relieve such poor persons, being destitute as aforesaid, either in the workhouse or out of the workhouse, as to them shall appear fitting and expedient in each individual case; and the said guardians shall take order for relieving and setting to work in the workhouse of the union, at all times when there shall be sufficient room in the workhouse of the union to enable them so to do, such other persons as the said guardians shall deem to be destitute poor, and unable to support themselves by their own industry or by other lawful means.

ii. That if at any time it shall be shewn to the satisfaction of the Poor Law Commissioners that by reason of the want of room in the workhouse of any union, or in such additional workhouse or workhouses as may have been or may be provided for the reception and maintenance of the poor of such union, adequate relief cannot be afforded therein to destitute poor persons not being persons permanently disabled, or destitute poor persons disabled by sickness or accident as aforesaid, or such destitute poor widows as aforesaid, or that the workhouse or workhouses of any union, as the case may be, by reason of fever or infectious disease, is or are unfit for the reception of poor persons, it shall be lawful for the said Commissioners from time to time, by order under their seal, to authorize and empower the guardians of such union to administer relief out of the workhouse to such destitute poor persons for any time not exceeding two calendar months from the date of such order, and at any time after the making of such order to revoke the same by an order under their seal for that purpose, and on the receipt by the guardians of any union of any such order authorizing relief out of the workhouse as aforesaid they shall make provision for the relief of the destitute poor persons of the said union accordingly, for such time as shall be specified in the said order, or until the said order shall be revoked: Provided always, that all relief given out of the workhouse to able-bodied persons under the authority of any such order shall be given in food only, save as hereinafter provided in any case of sudden and urgent necessity.

iii. That the Poor Law Commissioners, from time to time as they shall see fit, shall regulate and determine the manner of application for all relief to be given under the provisions of this Act, and the manner of inquiring into the circumstances of the applicants for relief, and the kind of relief to be afforded out of the workhouse, when not directly specified by this Act, and the manner of granting, ordering, and giving such relief, and keeping the accounts thereof, and of making and keeping lists of the persons so applying and of the persons so relieved; and the guardians of the union and their officers shall administer such relief, subject to the rules and regulations so to be made by the said Commissioners as aforesaid.

iv. That the Poor Law Commissioners shall direct the guardians of each union in Ireland to appoint so many relieving officers as the said Commissioners may deem requisite to assist in the administration of relief under this Act, and under the Acts now in force for the relief of the destitute poor in Ireland, and the said guardians, on receiving such authority and direction, shall appoint such relieving officers accordingly, subject to the approval of the said Commissioners.

v. That in any case in which it shall appear to the Poor Law Commissioners that the appointment of a medical officer or medical officers for affording medical relief out of the workhouse in any union is necessary and expedient, it shall be lawful for

the Commissioners to direct the guardians of the union to appoint a medical officer or medical officers, and the guardians, on the receipt of such authority and direction, shall appoint a medical officer or medical officers accordingly, subject to the approval of the said Commissioners.

vi. That whenever the whole of any electoral division or divisions is situated at a greater distance than six miles from the place of meeting of the board of guardians of the union of which such electoral division or divisions may form part, it shall be lawful for the Commissioners, on the application of the board of guardians, to form such electoral division or divisions into a district, and to direct the said guardians from time to time to appoint a committee of their members to receive applications of poor persons requiring relief in such district, to examine into the cases of such poor persons, and to report to the said guardians thereon.

vii. That every relieving officer so appointed as aforesaid shall have power to give provisional relief in any case of sudden and urgent necessity, either by an order of admission to the workhouse or fever hospital of the union, provided there be room therein respectively, and by conveying any destitute poor person thereto if necessary, or by affording such poor person immediate and temporary relief in food, lodging, medicine, or medical attendance, until the next ordinary meeting of the board of guardians, at which meeting he shall report the case, and the nature and cost of the relief so afforded, in such form and manner as the Poor Law Commissioners shall prescribe, and after such report shall give no further relief, otherwise than by direction of the board of guardians in the case so reported; and the guardians of the union shall furnish the relieving officers with the necessary funds for affording relief in manner aforesaid, and for the relief of those destitute poor persons to whom relief shall be granted by the board of guardians, at such times and in such manner as the Poor Law Commissioners shall determine and direct.

viii. That all relief given under this Act to a wife or child shall be considered as given to the person who under the provisions of the first-recited Act shall be liable to maintain such wife or child; and the child of any poor person relieved under this Act shall be subject to the same liability in respect of such relief as in respect of any relief granted under the above-recited Act, 1 & 2 Vict. c. 55.

ix. That no relief given under the authority of this Act shall be given from the poor-rates of any union to any person not being within the union when so relieved.

x. That from and after the 1st of November next after the passing of this Act no person who shall be in the occupation of any land of greater extent than the quarter of a statute acre shall be deemed and taken to be a destitute poor person under the provisions of the first-recited Act, or of the Acts amending the same, or of this Act; and if any person so occupying more than the quarter of a statute acre shall apply for relief, or if any person on his behalf shall apply for relief, it shall not be lawful for any board of guardians to grant such relief, within or out of the workhouse, to any such person.

xi. That, for the purpose of charging the relief afforded out of the workhouse under the provisions of this Act, the Poor Law Commissioners shall cause to be printed, and shall furnish to every clerk of an union in Ireland, a register book, to be called "the out-door relief register," in a form similar to the workhouse register prescribed by the first-recited Act, in which the clerk of the union shall register, together with the other particulars in the said form required, the name of the electoral division in which every person relieved under this Act, out of the workhouse, shall have been resident at the time of his beginning to receive such relief; and all the provisions of the said Acts now in force for the relief of the destitute poor in Ireland, which determine the circumstances under which any person shall be deemed to have been resident in an electoral division, and the manner of charging the expense of the relief of persons stated in the register to have been so resident in some electoral division, and of persons not stated in the register to have been so resident, and all the provisions of the said Acts which relate to the production of the register at every meeting of guardians for their approval, examination, and correction, and the signing and countersigning of the same, and all provisions of the said Acts which relate to the power of appealing against the decision of the board of guardians, touching the description of the residence of any person in the said register, and to the costs which may be incurred in such appeal, shall extend and apply to the out-door relief register to be kept as aforesaid under the provisions of this Act, and to the persons relieved under this Act out of the workhouse, and to the manner of charging the expense of the relief so afforded to such persons under this Act, and to the decisions of the board of guardians touching the description of the residence of any person in the out-door relief register.

xii. That for the purpose of charging the expense of relief to any electoral division no person shall after the passing of this Act be deemed to have been resident in such electoral division, unless during the three years before his application for relief he had occupied some tenement within such division for thirty calendar months, or, if he had not so occupied some tenement, had usually slept within such division for the period of thirty calendar months.

xiii. That if it shall be proved to the satisfaction of the board of guardians at any time that any occupier of land within such union, rated at a net annual value not exceeding 5*l.*, shall be willing to give up to his landlord his right and title, and the actual possession of the said land, whether held under lease or as tenant at will, and to emigrate together with all persons who may be dependent upon him for their support and maintenance, and that such occupier shall have been approved by Her Majesty's principal Secretary of State for the Colonies, or such person as he may appoint for that purpose, as a fit and proper person to be admitted as an emigrant, and that the immediate lessor of such occupier is willing, upon the emigration of such occupier and his family, and upon the surrender of the land occupied by him, to forego any claim for rent which he may have upon the said occupier, and also to provide two-thirds of such fair and reasonable sum as shall be required for the emigration of such occupier and his family, then and in such case it shall be lawful for the board of guardians of such union, if they shall think fit, upon payment to them of such last-mentioned sum, to charge upon the rates of the electoral division in which such person shall be resident, and to pay, in addition to such sum, in such manner as shall be directed by the Poor Law Commissioners, in aid of the emigration of such occupier and his family, any sum not exceeding one-half of the sum contributed and paid by such immediate lessors as aforesaid, notwithstanding that any sum or sums so charged and paid may exceed in any one year 1*l.* in the pound on the rates of such electoral division, and notwithstanding that such occupier and his family may not be nor have been inmates of the workhouse of such union.

And after reciting that by an Act, 6 & 7 Vict. c. 92, intituled 'An Act for the further Amendment of an Act for the more effectual Relief of the destitute Poor in Ireland,' provision is made for assisting any poor person who is and has been for three months an inmate of the workhouse of any union to emigrate, and it is expedient to extend the said enactment to persons not being and not having been inmates of any workhouse for the period of three months:—

It is Enacted,

xiv. That all the provisions in the said Act which relate to the emigration of poor persons who are and have been for three months inmates of any workhouse shall also extend and apply to destitute poor persons not being or not having been inmates of any workhouse, and to persons having been inmates of a workhouse for a less period than three months; provided that all persons so assisted to emigrate shall have been approved as fit and proper emigrants by Her Majesty's principal Secretary of State for the Colonies, or such person as he may appoint for that purpose.

xv. Provided and enacted, That all expenses incurred in aid of the emigration of any occupier and his family, under the provisions of this Act, shall be charged to the electoral division in which the land occupied by such occupier is situated; and no expenses incurred in aid of the emigration of any occupier and his family, or any destitute poor person, under the provisions of this Act or any of the Acts for the relief of the destitute poor in Ireland, shall be deemed to be expenses incurred for the relief of the poor.

And after reciting that it is expedient to increase the number of qualified Justices which, according to the provisions of the said first-recited Act, may be appointed to act as *ex-officio* guardians of any union:—

It is Enacted,

xvi. That so much of the said Act as provides that the number of *ex-officio* guardians of any union shall in no case exceed one-third of the number of guardians to be elected by the rate-payers of such union shall be repealed; and from and after the passing of this Act every Justice of the Peace resident in an union in Ireland, and acting for the county in which he resides, who shall be qualified under the provisions of the said first-recited Act to be or to be appointed an *ex-officio* guardian of the union, shall be an *ex-officio* guardian thereof, unless the number of Justices so qualified shall exceed the number of guardians to be elected by the rate-payers of such union; and in every case in which the number of Justices so qualified as aforesaid shall exceed the number of guardians to be elected by the rate-payers, so many only of the qualified Justices who shall be rated on the highest amount of rateable property in the rate books of any electoral division in such union as shall be equal to the number of elective guardians shall be entitled to act as *ex-officio* guardians: Provided always, that each of such highest rated Justices shall have previously declared, in writing, to the clerk of the union his willingness to act as such *ex-officio* guardian: Provided always, that whenever the number of Justices qualified as aforesaid to act as *ex-officio* guardians in any union shall, by death, removal, disqualification to act, or from any other cause, be reduced to or below the number of the elective guardians, then and so long as the number shall not exceed the number of elective guardians the whole of the Justices so qualified shall be entitled to act as *ex-officio* guardians.

And after reciting that by the said first-recited Act it is provided that no dissolution or alteration of a union shall take place or be made unless a majority of the guardians of the union affected by such change shall consent thereto in writing, and it is expedient to amend the said enactment as hereinafter is provided:—

It is Enacted,

xvii. That it shall be lawful for the Poor Law Commissioners, as and when they shall see fit, to dissolve or alter any union or unions in Ireland, and from the townlands comprised in such unions to form such other union or unions as to them shall appear fitting and expedient, and that so much of the said Act as requires the consent of a majority of the guardians of a union to any dissolution or alteration thereof shall be repealed: Provided nevertheless, that all the other provisions of the said Act which relate to the dissolution or alteration of unions, and to the adjustment of the sums thereupon to be paid or received by any union or townland affected by such alteration, shall extend and apply to the case of any union which shall be dissolved or altered, or formed anew under the provisions of this Act.

And after reciting that by the first-recited Act it is provided, that in case regular meetings of the board of guardians of any union shall not be holden at the times enjoined by the orders of the Poor Law Commissioners, or in case through the default of the guardians the duties of such board of guardians shall not be duly and effectually discharged according to the intention of the said first-recited Act, the Commissioners shall declare such board of guardians to be dissolved, and shall order a fresh election of the guardians of such union; and in case the guardians elected at such fresh election shall not hold regular meetings at the times enjoined by the orders of the Commissioners, or in case through the default of such guardians the duties of such board of guardians shall not be duly and effectually discharged according to the intention of the said first-recited Act, then the Commissioners may appoint such and so many paid officers as they may think fit to carry into execution the provisions of the said Act, and from time to time revoke and determine such appointments: and that it is expedient for the more prompt and effectual execution of the Acts now in force for the relief of the destitute poor in Ireland, and of this Act, to amend the above-recited provisions as hereinafter is provided:—

It is Enacted,

xviii. That from and after the passing of this Act, in case regular meetings of the board of guardians of any union shall not be holden at the times enjoined by the said Commissioners, or in case through the default of the guardians the duties of such board of guardians shall not be duly and effectually discharged according to the intention of the several Acts which now are or hereafter shall be in force for the relief of the destitute poor in Ireland and of this Act, it shall be lawful for the Poor Law Commissioners to dissolve the said board of guardians, and the said Commissioners shall thereupon at once, and without ordering such fresh election of the guardians as in the said Act is provided, appoint such and so many paid officers as they may think

fit to carry into execution the provisions of the said Acts and of this Act; and all the provisions of the first-recited Act which relate to the powers, duties, and salaries of such paid officers appointed by the Commissioners after a fresh election of the board of guardians as aforesaid, and to the security to be given by such paid officers, and to their continuance in office, shall extend and apply to the powers, duties, and salaries of such paid officers as shall be appointed by the said Commissioners under this Act, without ordering a fresh election of the board of guardians, and to the security to be given by such officers, and to their continuance in office respectively.

And after reciting that by the said first-recited Act it is provided, that the Poor Law Commissioners shall take order for the due performance of religious service in workhouses in Ireland, and for appointing fit persons to be chaplains for that purpose:—

It is Enacted,

xx. That it shall be lawful for the said Commissioners, if they shall think fit, to provide a chapel, or to direct that a suitable apartment of the workhouse shall be specially appropriated for the religious worship of any denomination of Christians being inmates of the workhouse, and to make such orders and regulations for securing and regulating the use of such chapel or apartment for such purpose as they shall deem expedient.

And after reciting that by the said first-recited Act the Poor Law Commissioners are empowered to purchase or hire land, not exceeding twelve acres imperial measure, to be occupied with the workhouse of any union in Ireland:—

It is Enacted,

xx. That it shall be lawful for the Poor Law Commissioners to purchase or hire, in addition to such twelve acres, land not exceeding three statute acres, to be occupied by the guardians of any union, any portion of the said last-mentioned land so to be occupied being either contiguous to or detached from the site on which any workhouse stands, as shall be found most convenient in each case; and it shall be lawful for such last-mentioned land to be used for the site of a fever ward, or as a cemetery for the burial of deceased inmates of the workhouse, or for any other purpose which the said Commissioners shall approve; and the Poor Law Commissioners are hereby empowered to erect such fever ward on such land to be so purchased or hired as last aforesaid.

And after reciting that provision is now made in each of the unions called the North Dublin Union and South Dublin Union respectively for the maintenance and education of destitute poor children, and it is expedient that the guardians of the poor of the said unions should be enabled to join in the occupation of a school for the maintenance and education of the children receiving relief in the workhouses of the said unions:—

It is Enacted,

xxi. That the Poor Law Commissioners be empowered to hire or purchase land not exceeding twenty-five statute acres, and to erect thereon a suitable building, according to a plan approved by them, and sealed with their seal, to be used and occupied as a school for the reception, maintenance, and education of children not above the age of fifteen years, being inmates of one or other of the workhouses of the North Dublin and South Dublin Unions, and the guardians of each of the said unions shall contribute to the cost of hiring or purchasing such lands, and of erecting such building, and of upholding, repairing, or altering the same, in the proportion which the net annual value of the one union bears to the net annual value of the other, and shall contribute in the same proportion to defray the expenses of furnishing and fitting up the said school, and providing all articles, implements, and requisites, for the common use of the inmates thereof; but the maintenance of the children belonging to each union which the guardians of such union shall direct and send to be educated in such school shall be at the separate cost of the union, and the proportion of the cost of maintenance to be charged on each union shall be calculated, and shall be defrayed by the guardians of the union, in such manner as the Poor Law Commissioners shall direct: Provided that the guardians of each union shall not be entitled to send to be maintained and educated in such school a number of children exceeding that proportion of the whole number to be at one time maintained in the said school which agrees with the proportion borne by the net annual value of the union to the net annual value of both unions, except with the consent of the Poor Law Commissioners in that behalf first had and obtained; provided also, that the quantity of land to be purchased or hired for the purpose aforesaid shall not be greater than the quantity which, under the provisions of the said first-recited Act and this Act, may be purchased or hired and occupied together with the workhouses of the said two unions, and that the expenditure to be incurred in building the said school shall not be greater than might be incurred for the erection of workhouses or additional workhouses in the said unions under the said Acts.

xxii. That the management of the said school shall be conducted by a board of management, consisting of so many members of the respective boards of guardians of the North Dublin and South Dublin Unions as the Poor Law Commissioners shall by order under their seal direct, and such members shall be chosen by the guardians of the said unions, in such proportions, and at such times and in such manner, as the Commissioners shall direct; and the chairman of each of the said unions shall be an *ex-officio* member of the said board of management; and the said board of management shall meet, three members thereof being present to form a board, and shall exercise their functions and perform their duties in accordance with the rules and regulations issued by the Poor Law Commissioners for their guidance and controul; and it shall be lawful for the Poor Law Commissioners to authorize and direct the said board of management to appoint officers for the superintendence of the said school, of such description and with such qualifications as the said Commissioners shall deem fitting and expedient, and to prescribe the duties to be performed by the said officers respectively; and every such officer shall be subject in all respects to the controul of the Poor Law Commissioners and the board of management, in the same manner as other officers appointed under the Acts in force for the relief of the poor are subject to the controul of the Poor Law Commissioners and the guardians of the union whereof they are officers, and shall be liable to removal in the same manner.

xxiii. That all the provisions of the said first-recited Act which relate to the purchase and conveyance of land for the erection of workhouses, and which empower the Poor Law Commissioners to direct the guardians of any union to raise or borrow the sums

necessary to defray the expense of hiring or purchasing such land and building such workhouses, and all provisions of the said Act which relate to the borrowing of money by the guardians for the purposes aforesaid, shall extend and apply to the purchase and conveyance of land, and the erection of buildings thereon under the provisions of this Act.

And for the purpose of extending to other parts of Ireland the benefit of the provisions of this Act, as hereinbefore made applicable for the establishment of schools in the North and South Dublin Union :—

It is Enacted,

XXIV. That it shall be lawful for the said Commissioners, as and when they may see fit, by order under their hands and seals, to combine unions into school districts for the management of any class or classes of infant poor not above the age of sixteen years being chargeable to any such union or any part thereof, who are orphans, or are deserted by their parents, or whose parents or surviving parent or guardian are consenting to the placing of such children in the school of such district.

XXV. That the Poor Law Commissioners shall have the same power and authority in respect of all officers appointed under this Act to define and prescribe the qualifications of such officers, and their duties, and the places or limits within which those duties shall be performed respectively, and to determine the continuance in office or removal of such officers, and to appoint fit and proper persons in their room, on the neglect or refusal of the parties competent in that behalf to appoint, and to regulate from time to time the salaries payable to such officers, and the mode of payment thereof, and the proportions in which the salaries shall be charged to the electoral divisions of a union, as the said Commissioners have in respect of paid officers appointed under the Acts now in force for the relief of the destitute poor in Ireland; and the officers appointed under this Act shall be subject to the same disqualification or removal from office, and shall be liable to the same penalties and forfeitures, actions, indictments, or other proceedings, criminal or civil, as the paid officers appointed under the provisions of the said Acts now in force as aforesaid.

XXVI. That the administration of relief under this Act shall be subject to the direction and controul of the Poor Law Commissioners; and all orders, rules, and regulations made by the said Commissioners in execution of this Act shall be of the same force and effect, and shall be subject to the same conditions, as orders, rules, and regulations of the said Commissioners issued in execution of the said Acts now in force.

XXVII. That the guardians of every union and their officers shall keep accounts, in such form as the Poor Law Commissioners shall prescribe, of all expenditure under this Act, and all the provisions of the said Acts now in force for the relief of the destitute poor in Ireland, which relate to the auditing of accounts of the guardians and other persons liable to account under the said Acts, and to the verification of such accounts on oath or otherwise, and to the disallowance or reduction of charges and to the recovery of balances found by the auditor to be due from such guardians or other persons as aforesaid; and all the provisions of the said Acts which relate to the powers, duties and proceedings of the auditors of unions shall extend and apply to the accounts of the expenditure of the guardians and their officers under this Act, and to the balances found to be due thereon from the said guardians or officers respectively, and to the recovery of the said balances.

XXVIII. That in every case of disallowance or reduction by the auditor in the accounts of any union, the auditor shall make and sign a certificate of such disallowance or reduction on the face of the book or account wherein the charges so disallowed or reduced shall appear, and shall debit the amount disallowed to the guardian or guardians by whose signature or initials the expenditure of the sum so disallowed shall have been authorized, or if not authorized by the guardians, then to the officer or officers by whom such expenditure shall have been made, and the sum so disallowed shall be payable by the person or persons debited therewith to the treasurer of the union, and it shall be lawful for the said auditor to proceed for the recovery thereof, by all the ways and means provided by the said first-recited Act for the recovery of balances found by the auditor to be due from any guardian, treasurer, or other person having the controul of the poor-rate, or accountable for such balances, or in lieu thereof the said auditor may summon the person or persons so debited to appear before any two Justices of the county in which the workhouse of the union shall be situate, and the said Justices shall, on the production of the said certificate of disallowance or reduction, inquire whether the sum disallowed has been paid to the treasurer of the union, and on failure of due proof thereof by or on the part of the person or persons so debited as aforesaid, shall adjudge the said person or persons to pay the said sum, together with the costs of the application, to the said auditor; and on failure of such payment forthwith, shall cause the said sum and costs to be levied by warrant of distress upon the goods and chattels of the said person or persons, whosoever the same may be found, and to be paid to the said auditor, who shall thereupon pay over the sum so disallowed and recovered to the treasurer of the union.

XXIX. That so much of the said first-recited Act as provides that there shall be laid annually before both Houses of Parliament, on or before the 1st of May in every year, an account of the expenditure upon the relief of the poor in each union in Ireland, and of the total number relieved in each union, during the year ended on the 1st of January preceding, shall be repealed; and that in lieu thereof an account shall annually be laid before Parliament, on or before the 1st of May, of the expenditure on the relief of the poor in each union in Ireland, and of the total number relieved in each, during the year ended on the 29th of September preceding.

XXX. That the said Acts now in force for the relief of the destitute poor in Ireland and this Act shall be construed as one Act, except so far as the provisions of any one of such Acts may alter the provisions of any previous Act.

XXXI. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XXXII.—IRELAND.

AN ACT to facilitate the Improvement of Landed Property in *Ireland*.

(8th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. So much of 9 & 10 Vict. c. 101. as authorizes the issuing of 1,000,000*l.*, for Ireland repealed.
2. Power to Treasury to make advances not exceeding 1,500,000*l.*, for Ireland.
3. The Commissioners of Public Works to be the Commissioners for the Execution of this Act.
4. Commissioners may make loans for works of improvement.
5. No loans to be made until sanctioned by Treasury.
6. Who shall be deemed owner.
7. Persons having certain interests may qualify to be owners.—Who shall be entitled to loan where several persons have an interest in the land.—No loan to be granted except upon security.
8. Joint tenants, tenants in common, &c. to be accounted as the owner under this Act.
9. Power for Court of Chancery in certain cases to determine who may act as owner for the purposes of this Act.
10. Court of Chancery to make rules and orders as to forms of proceeding under this Act.
11. Owners of land desirous of obtaining loan may make application to the Commissioners by memorial in the form in Schedule (A).
12. As to lands held in right of any ecclesiastical benefice.
13. Commissioners to take security for costs of report upon and investigating application.
14. If an advance shall be made, expenses of inquiry may form part of the charge on the land.
15. Treasury may advance money to the Commissioners to meet preliminary expenses.
16. Commissioners may cause the land, and plan, &c. of works proposed, to be inspected by a competent person, who shall report his opinion thereon.
17. Commissioners, &c. may enter lands for the purposes of survey or inquiry, making compensation for damages.—Amount of compensation, if not previously settled, to be determined by Justices.—Commissioners, &c. may enter upon lands pending decision of Justices.
18. Commissioners may make rules, &c. with respect to applications for advances under this Act.
19. Commissioners to give notice, by advertisement of applications for loans.—Parties objecting to application to transmit to Commissioners their dissent, &c.
20. In cases where Commissioners receive any dissent, they shall call a meeting and hear objections.
21. Commissioners to register order for loan at the expense of owner.
22. The lands to become chargeable with the payment of rent-charge from the date of such registry.
23. Errors and omissions not to invalidate proceedings.
24. Treasury to make regulations for placing monies at the disposal of the Paymaster of Civil Services.
25. Two separate accounts to be opened by the Bank of Ireland.
26. The Commissioners with the sanction of the Treasury, may make loans.
27. Every loan to be issued by instalments.
28. Commissioners to take security for due application of the money.
29. Labourers to be paid in money.
30. Commissioners on application of owners may sanction alterations, and make further advance if necessary.
31. Commissioners may sanction alterations in certain cases for reducing the expense of works.
32. Provisions as to alterations, &c. to apply to cases where lands have been entered on.
33. In default of due application of any instalment of loan Commissioners may stop advances and may enter upon lands and complete the works.
34. Power to Commissioners in case of entering to complete works to expend such further sum as may be necessary.
35. Nothing to prevent owners applying for new loans on the security of lands already improved.
36. Owner may, upon receiving part of loan, enter upon lands of which he is owner, making compensation for damage done.
37. A rent-charge of 6*l.* 10*s.* to be charged for every 100*l.* advanced.
38. Rent-charges to have priority of other charges, save quit rents, &c.
39. Recovery of rent-charge by appointment of receiver in default of payment.
40. If rent-charge remains unpaid for thirty-one days, the same may be recovered by civil bill if under 50*l.*
41. Rent-charges to be paid as directed.
42. The rent-charge may be increased so as to pay off sum advanced sooner than time appointed.
43. Owners for the time being to keep down rent-charges.
44. Owners may redeem rent-charges.
45. Occupier paying money on account of landlord to deduct the same from his rent.
46. Commissioners empowered to fix increased rent of tenants.
47. A portion of lands liable to rent-charge may be released in certain cases.
48. Paymaster to give certificate of amount of advances and rent-charge.
49. Power of sale by the paymaster, with the direction of the Court of Chancery.
50. Receipt of paymaster to be a sufficient discharge.
51. Proviso as to sale of other lands.
52. On payment of rent-charge lands to be released.
53. Rent-charge not to preclude trustees from investing money in the purchase or mortgage of land charged.
54. Works to be maintained.

55. *Sums heretofore advanced by the Treasury under 9 & 10 Vict. c. 4. and 9 & 10 Vict. c. 101. to be considered as advances, and charged under this Act.*
56. *Power to summon witnesses, and persons refusing to give evidence to be punished.*
57. *Any person swearing falsely guilty of perjury.*
58. *Penalty on persons assaulting Commissioners or their officers.*
59. *Bonds, &c. under this Act exempt from stamp duty.*
60. *Notices sent by the post deemed sufficient.*
61. *Penalty on officers refusing to deliver up documents.*
62. *Exchanges may be made of land.*
63. *Notices of such exchanges to be given.*
64. *Expenses of exchanges.*
65. *Saving rights of the Crown.*
66. *Construction of terms in this Act.*
67. *Act may be amended, &c.*

By this Act,

After reciting that by 1 & 2 Will. 4. c. 33. it was amongst other things enacted, that it should and might be lawful for the Commissioners of Public Works acting in execution of the said Act to make loans and advances in aid of the drainage, embankment, reclaiming, or other improvement of land on the credit of mortgages, assignments, or other assurances of the estate and interest, freehold or leasehold, on such land as might be the subject of such drainage, embankment, reclamation, or other improvement, upon the terms and conditions in the said Act mentioned: And by 9 & 10 Vict. c. 1. it was enacted, that it should and might be lawful for the Commissioners of Public Works in Ireland, subject to such conditions and restrictions as are thereinafter provided, to make any loan or advance for the purposes aforesaid: And that a further Act was passed, 9 & 10 Vict. c. 101: And that it is expedient that so much of the said thirdly-recited Act as extends to Ireland should be repealed, and that greater facilities, under proper conditions and restrictions should be given for the improvement of lands in Ireland:—

It is Enacted,

I. That so much of the said thirdly-recited Act as authorizes the Commissioners of Her Majesty's Treasury to issue for loans to be made under the provisions of the said Act any sums of money not exceeding 1,000,000*l.* for Ireland, and all the provisions and powers in the said Act contained relating to Ireland, and to the Commissioners of Public Works in Ireland, shall be repealed, subject to the provisions hereinafter contained for continuing under this Act all proceedings consequent upon any application for a loan under the last-recited Act.

II. That it shall be lawful for the Commissioners of Her Majesty's Treasury, upon application of the Commissioners of Public Works in Ireland, from time to time to issue and advance out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland such sum or sums of money, to be applied for the purposes and under the provisions hereinafter contained, as may from time to time be required, not exceeding in the whole the sum of 1,500,000*l.*

III. That the Commissioners of Public Works in Ireland for the time being shall be the Commissioners for the execution of this Act, and shall for the purposes of this Act be a corporation with perpetual succession and a common seal, to be by them altered or varied at their pleasure; and such Commissioners shall have full power, with the sanction of the Commissioners of the Treasury, and of the Lord Lieutenant of Ireland, to appoint so many and such civil engineers, surveyors, agriculturists, architects, builders, clerks, and other officers as may be necessary for the purpose of carrying this Act into execution, in the same manner as the said Commissioners of Public Works may now appoint any officers and clerks under any Act or Acts now in force in Ireland, and to pay to them such salaries as may be determined on by the said Commissioners of Her Majesty's Treasury.

IV. That it shall be lawful for the said Commissioners of Public Works, upon application made to them under the provisions of this Act, and subject to such rules and regulations as may from time to time be made by the Commissioners of Her Majesty's Treasury, to make loans under this Act for the following purposes; (that is to say,) for the drainage of any lands by any such means as the said Commissioners shall approve, for subsoiling, trenching, or otherwise deepening and improving the soil, for irrigation or warping of land, for embanking lands from the sea or tidal waters or rivers, for enclosing or fencing any land, or improving the fences, drains, streams, or watercourses of any land, for the reclamation of waste or other land, for making farm roads or for clearing lands of rocks and stones.

V. That no loan under this Act shall be made until the application for the same shall have been submitted to and sanctioned by the said Commissioners of Her Majesty's Treasury.

VI. That any person seised of or entitled at law or in equity to land as tenant in fee simple, or in fee tail, general or special, or as tenant in dower or by curtesy, and also any person who shall be entitled to land under any will or settlement, or any other deed or instrument (except a grant or lease reserving rent), for his own life or the life of any other person, or jointly for his own life and the life of any other person or persons, or for years determinable on such life or lives, and also any person who shall be entitled to land under any lease granted by any collegiate or ecclesiastical body, or other corporation sole or aggregate, or under any lease granted by any person having immediate or derivative title from or under any such collegiate or ecclesiastical body, or other corporation sole or aggregate, which last-mentioned lease shall contain a covenant of perpetual renewal, or for renewal *toties quoties*, and also any person who shall be entitled to land under any grant, lease, or any other deed or assurance for an estate in fee, or for an estate or interest for any life or lives renewable for ever, or for a term of years absolute, whereof forty years or more shall be unexpired at the time of application, or for any term of forty years or more renewable on the fall of any life or lives, or for any term or terms of years renewable for ever, whether such last-mentioned persons shall be entitled to

land for any such estate, term, or interest, either absolutely or as tenant in tail, or as *quasi* tenant in tail, or for life, and also every archbishop, bishop, parson, or other ecclesiastical person as to lands held by them in their respective corporate capacities, and also every feoffee or trustee of any land, or of any such estate or interest therein as aforesaid, for charitable or other purposes, or of any estate created for any term of years exceeding forty years unexpired, determinable upon the execution or fulfilment of any trusts mentioned in any such grant, lease, deed, or assurance, and also every trustee of any such estate or interest as aforesaid who shall be in the actual possession of the land, or in receipt of the rents payable by the tenants of such land, shall be deemed an owner of such land for the purposes of this Act; and in every case in which any person seized, possessed of, or entitled to any such land for any such estate or interest as aforesaid shall be an infant, feme covert, idiot, or lunatic, the guardian of such infant, the husband of such feme covert, and the committee of the estate of such idiot or lunatic shall be deemed an owner of such land for the purposes of this Act: Provided always, that no person, except a mortgagee in possession or receipt of rent of the mortgaged lands, or any part thereof, shall be deemed an owner for the purposes of this Act for or by reason for any estate vested in him which shall have been created by way of mortgage, or for securing the payment of any sum of money, but that the person who would be deemed an owner for the purposes of this Act, if such estate by way of mortgage or for securing any money had not been created, shall, notwithstanding such mortgage or security, or any other incumbrance, be deemed such owner as aforesaid: Provided also, that a feme covert entitled to rents and profits for her separate use, and whether or not restrained from anticipation, shall for the purposes of this Act be considered as a feme sole: Provided also, that where several persons in succession shall have in any land such estates or interests as would entitle each of them, under the provisions aforesaid, to be so deemed an owner, such of the said persons shall be deemed the owner for the purposes of this Act as shall be in actual occupation of the said land; or in case the person in actual occupation shall not be entitled to be deemed an owner under this provision, then the person who shall have the first such estate or interest as aforesaid therein in reversion or remainder to or above the estate or interest of the person in actual occupation as may entitle him to be deemed an owner under this provision shall be deemed the owner for the purposes of this Act: Provided also, that when the owner first entitled as aforesaid shall (after notice given to him in such form and for such period as the said Commissioners of Public Works shall from time to time direct by the person having the next such estate or interest as aforesaid in reversion or remainder) refuse or neglect to make any such application, then the person having the next such estate as aforesaid in reversion or remainder may, if he think fit to apply for a loan under this Act, be deemed the owner of such lands for the purposes of this Act, and shall be deemed the owner for all such purposes, if any loan or advance on account thereof shall, upon his application, be made under this Act.

VII. That any person seized or possessed of any land under any lease, reserving rent for two or more lives in being at the time of the application, or for any term of years determinable on any two or more lives in being at the time of application, or for any term of years absolute, whereof there shall be at the time of application twenty-five years or more unexpired, who shall apply, under the provisions of this Act, and shall give such security as the said Commissioners of Public Works shall direct, for the payment of the annual amount of any rent-charge which may become chargeable on such land in respect of any loan to be made under the provisions of this Act by the person so applying, his executors, administrators, or assigns, during the continuance of the residue of such his estate or interest in the said lands, or for so many years as such rent-charge under this Act shall be payable, if his interest shall so long continue, may be deemed the owner of such land under the provisions of this Act; and, unless specially provided by the terms of holding, no such application as aforesaid, nor any act or proceeding consequent thereupon under this Act, nor the charging of any rent-charge on such land, shall be construed as a breach of any covenants or conditions, subject to which any person applying under this or the last preceding clause may hold the land: Provided always, that in case there shall be several persons having such interest as last-mentioned in the lands, the person entitled to apply for a loan under the provisions of this Act, or in case there shall be several such applicants, the person to be preferred shall be the person in actual occupation of the lands, or in his default, then the person whose estate or interest in remainder or reversion shall be nearest to or above that of the actual occupier; so always that no loan shall be granted to any applicant under this provision except upon such security as before mentioned being given for the payment of any rent-charge chargeable under this Act by the person to whom any loan shall be granted during the continuance of the residue of his estate or interest in the land, or for such other period as before mentioned; and no such loan shall be granted to any such applicant as aforesaid, except he shall state in his application for the same the name and address of his immediate landlord, or person entitled to the next estate or interest in the land on the determination of his lease, and shall have given notice to such landlord or person of his intention to apply for such loan, and shall satisfy the said Commissioners that such notice has been given.

VIII. That joint tenants, tenants in common, and coparceners of any land may in respect thereof be accounted as the owner under the provisions of this Act: Provided always, that any such person or persons interested in or possessing more than one-half of such land may, subject to the provisions aforesaid, be deemed entitled to apply for a loan under this Act; and any such application, and the proceedings thereon, shall be binding upon the other persons interested in such lands, and upon their estates and interests therein.

IX. Provided and enacted, That in any case in which there shall appear to the Commissioners of Public Works to be any doubt or question as to who may be the owner of any lands within the meaning of this Act, either as to the whole of such lands or any portion thereof, it shall be lawful for any person or persons claiming to be entitled to or interested in any such lands, or any portion thereof, or the rents thereof, or of any portion thereof, to apply by petition to the Court of Chancery in a summary way for an order to determine who shall be the proper person to apply as owner under this Act, and thereupon such Court shall make such order as may seem fit for the purpose of determining who shall be the proper person to apply as owner under the provisions of this Act; and it shall be lawful for any person so determined to be the owner to do all acts which any owner as defined in this Act is authorized and empowered to do under this Act.

X. That it shall be lawful for the Lord Chancellor of Ireland, with the advice and consent of the Master of the Rolls for the time being, from time to time and as often as circumstances shall require, to make and prescribe such rules and orders concerning

the form and mode of any proceedings to be had and taken in Chancery for the purposes of this Act, and the practice to be observed by the Court in relation to such proceedings or any matters incident thereto, as shall from time to time seem necessary or expedient.

xi. That any owner of land within the meaning of this Act who may propose to improve the same under the provisions of this Act may apply to the said Commissioners of Public Works by memorial for a loan, and such memorial shall be made in the form in the Schedule (A.) to this Act annexed, or as near thereto as in the opinion of the said Commissioners the circumstances of the case will admit, and shall contain the names or denominations of the lands proposed to be charged, and on which or on any part of which any such improvements as aforesaid are proposed to be made, the estate or interest which such applicant may have in such land, the estimated expense of effecting the proposed improvements, the amount of quit rents and rent-charges in lieu of tithes payable in respect of such land or any part thereof, the annual value of such land, and the estimated increase in the annual value expected to arise to the lands the subject of such improvement; and every such memorial shall be accompanied by a plan of such lands, as well as by an estimate and specification in detail of the proposed works, together with such other plans and particulars (if any) as the said Commissioners by any rules or regulations to be made by them from time to time may require.

xii. That when the land to which the application for a loan under this Act shall relate shall be land held in right of any ecclesiastical benefice, the Commissioners of Public Works shall not proceed thereon unless the bishop of the diocese and the patron of such benefice shall have consented in writing to such application; and for the purposes of this Act the person or persons (if not more than two), or the majority of the persons (if more than two), or the guardian, committee, husband, or attorney (as the case may be) of any such person or persons respectively, being minors, idiots, lunatics, femmes covert, or beyond the seas, or the corporation, who or which would for the time being be entitled to the right of presentation to any benefice, if the same were then vacant, shall be considered as the patron thereof; and in case of the Queen being the patron, the consent in that behalf of the Lord Lieutenant or other chief governor or governors of Ireland for the time being under his hand and seal, or their hands and seals shall be as good and valid in law, to all intents and purposes, as if the consent of Her Majesty had been thereunto duly signified as by law required; and any corporation may consent by writing under the common seal of such corporation.

xiii. That the said Commissioners of Public Works may require security, by deposit, bond, or otherwise, to be given to them in such form as they may think fit, by the owner of the land making the application, or by any other person on his behalf or jointly with him, for the payment to the said Commissioners of such sum as the said Commissioners may require to defray the expenses of obtaining a report upon and investigating the subject of any such application, including all expenses consequent upon any such investigation; and, unless the said Commissioners shall otherwise direct, such payment shall be made by the person making the application, and that whether any loan shall be made upon the application or not.

xiv. That in case any advance under this Act shall be made on the security of the lands the subject of such application as aforesaid, the costs and expenses of the investigation by the said Commissioners may, on the application of the party liable to pay the same, be included in the sum in respect of which a rent-charge shall be charged on such lands under the provision of this Act.

xv. That with a view to expedite the proceedings preliminary to the execution of any of the works under this Act it shall be lawful for the said Commissioners of Her Majesty's Treasury, on the application of the Commissioners of Public Works, to direct that any sum or sums of money, not exceeding in the whole the sum of 5,000*l.* in any one year, required for the purposes of any such preliminary investigation and proceedings as aforesaid by the said last-mentioned Commissioners, shall be advanced and paid to them out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and applied by the said Commissioners in making the necessary survey, inspection, and investigation, and in taking all other proceedings preliminary to making any loan or advance under this Act; and all and every sum or sums of money so to be advanced and paid out of the Consolidated Fund as aforesaid shall be repaid to the Consolidated Fund by the Commissioners of Public Works on behalf of the party on whose account or at whose instance such expenses may have been incurred, either out of the first or other monies advanced for the purpose of executing the works the subject of such preliminary inquiry, and to be for that purpose retained by the Paymaster of Civil Services in Ireland out of the monies so advanced, and to be by the said Paymaster of Civil Services paid over to the said Commissioners, on their certificate, to be made for that purpose; or (in case where the execution of the necessary works shall not be proceeded with, either in consequence of the said last-mentioned Commissioners not approving of the same, or from any other cause,) such sum or sums of money shall be repaid out of the monies to be paid to the said last-mentioned Commissioners by the party or person who shall have made application for the execution of any such works, and to be recovered by the said last-mentioned Commissioners under the security hereinbefore by this Act authorized to be taken for this purpose.

xvi. That the said Commissioners, if they shall think fit, shall cause the land, and the plan, estimate, and specification of the works proposed in any application, to be inspected and examined by a competent person, who shall report his opinion thereon, and also whether the proposed or any other works will effect immediately or prospectively an improvement in the annual value of the land to an amount exceeding the utmost annual amount to be charged thereon under this Act in respect of the advance applied for, or the sum necessary to be expended, and he shall annex to such report either the plan, specification, and estimate so furnished to the said Commissioners by the applicant, or some other plan, specification, or estimate for effecting and carrying out the works in a substantial and durable manner; and the said Commissioners may make such further and other inquiries in relation to any such application as they may think fit, and may alter or modify any such plans, specifications, and estimates in such manner as they may think fit: Provided always, that no charge, security, or proceeding under this Act shall be impeached or questioned at law or in equity by reason that the annual value of any lands may not actually be improved by the works effected.

xvii. That for the purposes of any inspection, survey, or inquiry directed or necessary under any of the provisions of this Act it shall be lawful for the said Commissioners, by themselves, or by their surveyors, engineers, agriculturists, architects, builders, agents, officers, and workmen, to enter upon any lands with respect to which any works shall be executed, or shall be proposed

to be executed, under this Act, or any lands adjoining thereto, and to dig or bore therein, and also to examine any weir, sluice, or floodgate erected in or upon any river or stream, and to open or raise, or shut or close, and to keep open or raised, shut or closed, for a reasonable time, any such floodgate or sluice for the purposes of any such inquiry, and to make any soundings, or bore the bed or channel of any part of such river or any millcourse connected therewith, making reasonable compensation for any damage done thereby; and the amount of such compensation shall (if not previously agreed upon between the parties and the said Commissioners) be ascertained by two or more Justices of the Peace at petty sessions in or for the district wherein any such damage shall be committed; and such Justices shall be authorized and required to inquire into and determine the same, and for that purpose to examine on oath or otherwise, as by law authorized, all such witnesses as shall be produced before them, and to make such order as to them shall seem just for the payment of the amount of such damage by the Commissioners to the party aggrieved, which said order shall be final and conclusive, and such damages shall be taken as part of the costs of the inquiry: Provided always, that the said Commissioners, their surveyors, engineers, agriculturists, architects, builders, agents, officers, and workmen, may enter upon such lands as aforesaid, and do all necessary matters and things by this Act authorized previously to or pending the decision of such Justices.

XVIII. That it shall be lawful for the said Commissioners of Public Works, with the sanction of the Commissioners of Her Majesty's Treasury, to make such rules and regulations as they shall from time to time think proper with respect to applications for advances under this Act, and to issue such instructions and forms as they may think proper for the guidance of and observance by persons applying for or receiving loans, or executing works, or rendering accounts of monies advanced under this Act, and with respect to all other matters in and about the execution of this Act not hereby especially referred to the determination of any other person, court, or body.

XIX. That on receipt of any such application by memorial as hereinbefore mentioned the said Commissioners of Public Works shall (if they think proper to entertain the same) give notice thereof by advertisement, to be published once in the *Dublin Gazette*, and for two successive weeks (once at least in each week) in any newspaper circulating in the county in which the lands the subject of any such memorial shall be situate, or in any newspaper printed and published in Dublin, which notice shall contain the name of the memorialist, and the names or such description as the said Commissioners shall think sufficient of the lands in respect of which such memorial shall have been presented, together with the amount of loan applied for, and by which notice all parties claiming to be interested in the lands the subject of any such memorial, and all other parties whom it may concern, shall be required on or before a day therein to be named, not sooner than two weeks from the said publication in the *Dublin Gazette*, to transmit to the said Commissioners in Dublin their dissent or objection (if any) to any such memorial, or to any statement therein contained, or to the loan applied for by any such memorial, with their reasons for such dissent or objection; and in case any person shall, within such period so named as aforesaid, signify in writing to the said Commissioners such dissent or objection as aforesaid, and the nature of his estate or interest in or charge upon the said land (if any), the said Commissioners shall notify such dissent to the person by whom such memorial shall have been presented, or to the owner for the time being of such land, and shall not make any such loan till such dissent or objection shall have been withdrawn, or an order shall have been made thereon in the manner hereinafter provided.

XX. That in all cases in which the said Commissioners of Public Works shall receive any such dissent or objection as aforesaid in writing within such period as aforesaid (unless such dissent or objection shall be withdrawn) they shall, on a day not sooner than one week from the day limited by such notice for the transmission of such dissent or objection as aforesaid, to be stated in such notice, or to be fixed by some subsequent notice to be published as aforesaid, call a meeting at their office in Dublin or elsewhere of all persons claiming to be interested in the said lands, and of such other persons as the said Commissioners may think fit to summon (and which meeting, as well as every other meeting to be held under this Act, may be held and presided over by any one of the said Commissioners, who shall have power from time to time to adjourn such meeting to such time and place as they may think proper), and hear and inquire into such objections and dissents, and all such other matters and things as shall be then and there brought before them, and shall and may receive any evidence touching or pertinent to the same, upon oath or otherwise, as by law authorized; and in such case, or in case no dissent or objection shall be received as aforesaid (in which case no notice of meeting need be given), and if the said Commissioners shall be satisfied that it will be beneficial to all persons interested in the land to which such application shall relate that such loan should be made, the said Commissioners shall make such order under their common seal in the premises as to the said Commissioners shall seem fit with respect to the making of such loan, or the execution of the proposed works; and every such order shall be in writing under their common seal, and shall contain the name of the lands to be charged with such loan, the name of the memorialist, the amount of the loan (if any) proposed to be made, and such other matters as the said Commissioners may think proper.

XXI. That in all cases where the Commissioners shall have made any such order for a loan as aforesaid they shall execute under their common seal a duplicate thereof, and shall, at the expense of the owner applying for such loan, or other the owner for the time being, forthwith cause the said duplicate of such order to be registered in the office for registry of deeds in the city of Dublin; and the registrar of the said registry office, his and their assistant, deputies, and other officers, shall be required to register the same, and all other instruments by this Act directed or authorized to be registered, in the same manner as any deeds or instruments are registered in said office, and to enter a memorial thereof in the abstract books and indexes of or relating to memorials registered and kept in the said office, subject to the payment of such fees as may now be lawfully demanded upon registration; and further, when and so soon as the said Commissioners shall have advanced the total amount of the loan by them agreed to be advanced, or which shall become payable under the provisions of this Act, they shall execute in duplicate a certificate under their common seal stating the amount of the sums actually advanced, and the times of advancing the same, and shall, at the expense of the owner applying for such loan, or other the owner for the time being, forthwith cause one of the said certificates to be registered in such manner as is hereinbefore provided with respect to such order.

XXII. That from the date of the registry of such order the several lands therein mentioned shall, in case any loan or advance shall be granted in respect thereof, become charged (in the manner and with the priority by this Act provided) with the rent-charge to be payable under the provisions of this Act in respect of such loan; and every such order in respect of the lands

therein specified shall be binding upon all persons having any estate or interest in such lands, or lien or incumbrance thereon, and shall be conclusive evidence that the several proceedings hereinbefore directed to be taken and observed have been duly complied with; and that all dissents or objections to the making of any loan have been withdrawn, disallowed, or removed; and it shall not be lawful for any person to question such order of the said Commissioners of Public Works, or any advances of money to be made in pursuance thereof, in respect of anything whatsoever done or omitted to be done under the provisions of this Act, or for any other reason whatsoever.

XXIII. That no error, misdescription, misnomer, mis-statement, or omission in any memorial, schedule, plan, section, estimate, notice, or other document or proceeding under this Act, prepared, lodged, registered, given, or taken by or to the said Commissioners of Public Works, shall invalidate the same or any of them, or any of the proceedings under this Act, nor shall any error or omission whatever in any of the proceedings preliminary to the order for a loan, or in any such order, affect or invalidate any such proceedings or order, or the powers and authorities of the said Commissioners, or prevent the proceeding with the execution of any works under this Act, or the doing all matters in the judgment of the said Commissioners requisite for carrying the provisions of this Act into effect, or affect any matter or thing done or omitted to be done by the said Commissioners in and about the matter of this Act, or invalidate or affect any rent-charge chargeable under this Act; and it shall not be lawful for any person whomsoever to question or appeal against or in respect of anything so done or omitted to be done by the said Commissioners; nor shall any proceedings by or on behalf of the said Commissioners be removable by certiorari or otherwise into any of Her Majesty's courts of record.

XXIV. That it shall be lawful for the Commissioners of Her Majesty's Treasury from time to time to make such rules and regulations as they may consider necessary for the purpose of placing at the disposal of the Paymaster of Civil Services in Ireland such sums of money as may from time to time be necessary for the purpose of making loans and advances under the provisions of this Act, to be from time to time made on the certificate of the said Commissioners of Public Works.

XXV. That the Governor and Company of the Bank of Ireland shall cause two separate accounts to be opened in their books with the Paymaster of Civil Services in Ireland, one under the title of "Improvement of Land Advances Account," and the other under the title of "Improvement of Lands Repayments Account."

XXVI. That if the said Commissioners of Public Works shall think that a loan in respect of any such application would be expedient, it shall be lawful for the said Commissioners, by and with the sanction of the Commissioners of Her Majesty's Treasury, to make such loan, and to certify to the Paymaster of Civil Services for the issue of the instalments of the same as after mentioned, to the owner of the land by whom such application shall have been made, or, in case his interest shall have determined at the date of the first or any subsequent instalment, to the owner for the time being of such land, or to such other party or parties as they shall think fit: Provided always, that no loan shall be made under this Act for a less sum than the sum of 100*l*.

XXVII. That every loan to be made by the said Commissioners of Public Works under this Act shall be made and issued by instalments not exceeding at any time one-fifth of the entire sum, together with the costs and expenses of investigation as aforesaid, and that no second or any subsequent instalment of any such loan shall be made until it shall have been proved to the satisfaction of the said Commissioners, in such manner as they shall require, that the preceding instalment has been properly expended on such works or improvements, pursuant to the plan, specification, and estimate which shall have been sanctioned and approved of by the said Commissioners, or such other plan, specification, or estimate as the said Commissioners may think fit from time to time to sanction and approve of: Provided always, that no one instalment of any such loan shall in any case exceed the sum of 500*l*.

XXVIII. That it shall be lawful for the said Commissioners of Public Works, either before or after any advance on account of any loan under this Act shall be made, to require and take such security, by bond or otherwise, as they may think right, from every or any person to whom any such loan may be agreed to be made as aforesaid, or who may become entitled to receive any part thereof, or from any other person jointly with or on behalf of any such person, such security to be conditioned to apply the monies advanced or to be advanced to and for the purposes specified in the plan, specification, and estimate from time to time approved of by the said Commissioners, and to no other purpose whatsoever, and also well and truly to account to the said Commissioners for the application of the monies to be from time to time advanced by the said Commissioners, and also to lay before such Commissioners, whenever required, such statements and reports of the works for which such loan may have been made as the Commissioners shall think fit, so as all such works be completed within such period as may, previously to making any such loan or advance, be fixed by the said Commissioners, or within such further period as they may fix from time to time, such periods not exceeding in the whole three years from the date of the first advance on account of any such loan.

XXIX. That all labourers hired or employed to execute any works or improvements effected under the authority of this Act shall receive the full value or consideration which shall be agreed to be given for their labour respectively in the current coin of the realm, and not otherwise.

XXX. That whenever any works shall have been commenced, or shall be carried on under this Act, according to any plan, specification, or estimate which shall have been originally approved of by the Commissioners of Public Works, and it shall, from any alteration of circumstances, appear to the Commissioners that it would be expedient so to do, it shall be lawful for the said Commissioners, on the application of any owner for that purpose, from time to time to sanction the alteration or modification of any such plans, specifications, or estimates so originally approved of to such extent as may be sufficient for the purposes of this Act, and to direct the works to be carried on according to the plan, specification, or estimate so altered or modified; and in case any such alteration or modification shall require the advance of any further sum of money for the completion of the works not exceeding one-fifth part of the loan originally sanctioned, it shall be lawful for the said Commissioners, with the sanction of the Commissioners of Her Majesty's Treasury, to advance any such further sum as shall be necessary; and the order of the Commissioners directing any such further advance shall be sufficient, without any formal application or other proceeding as is hereinbefore directed with respect to the original charge, and shall be registered in like manner as any order hereinbefore authorized to be made for advancing any money, and shall have the same effect as any such order so hereinbefore authorized;

and the lands therein specified shall thereon become charged with the payment in manner by this Act directed of a rent-charge bearing such proportions as aforesaid to the amount of such further advance.

xxxI. That where any works shall have been commenced, or shall be carried on under this Act, according to any plan, specification, or estimate which shall have been originally approved of by the Commissioners of Public Works, and it shall appear to the said Commissioners, from any alteration of circumstances or otherwise, that the estimate or the works originally proposed may be modified or altered by reducing the same, it shall be lawful for the said Commissioners from time to time to alter or modify any such plans, specifications, or estimates so originally approved of, by reducing the proposed works or the estimates thereof, so always that the works to be carried on according to the modified plans, specifications, or estimates shall in the opinion of the Commissioners be of a nature to effect a sufficient improvement for the purposes of this Act in the annual value of the lands; and also it shall be lawful for the said Commissioners, by any order as aforesaid, without any previous sanction of the Commissioners of the Treasury, to withhold any instalment or part of the loan originally agreed to be made for the proposed works to an extent corresponding in their judgment to the diminished expenditure, and to diminish the rent-charge which would otherwise have become charged on the lands in proportion to the diminished advance so to be made.

xxxII. That the provisions hereinbefore contained as to the alteration or modification of any plans, specifications, or estimates shall apply as well in cases where the works shall be carried on by or on behalf of the said Commissioners of Public Works having entered on any lands as by this Act is provided for any default, as where they shall be carried on by any other person.

xxxIII. That if default shall be made in the due application of any instalment of any loan made for the purpose of this Act, or if the owner to whom any such loan may have been agreed to be made, or if the person for the time being bound to execute the works for which such loan shall have been agreed to be made, shall omit or neglect so to do, it shall be lawful for the said Commissioners of Public Works, with the sanction of the Commissioners of Her Majesty's Treasury, to stop all further advances in respect to such works, or it shall be lawful for the said Commissioners of Public Works, with such sanction as aforesaid, or any person authorized by them for that purpose, (if they shall think fit, either for the benefit of the person entitled next in remainder or reversion to the said lands on the security of which any such loan shall have been agreed to be made, or for the purpose of better securing such loan), to enter upon such lands, and proceed to complete the necessary works, and all monies paid by the said Commissioners of Public Works for the completion of the works shall be taken as part of the loan agreed to be by them made, and shall be repaid by such rent-charge out of such lands, to be raised from such lands in manner hereinbefore provided; and in every such case it shall be lawful for the said Commissioners of Public Works, by any order in that behalf, to fix the date from which any rent-charge in respect of any payment made by them after having so entered shall be computed, and the day whereon the first payment thereof shall be made, and also for the completion of any such works as aforesaid to apply any monies which may be recovered by them under any security to be given to them as aforesaid for the completion of the said works.

xxxIV. That in any case in which the said Commissioners of Public Works shall have entered as by this Act is provided upon any lands for the completion of any works, if the residue of the monies originally agreed to be advanced by the said Commissioners shall not in the judgment of the said Commissioners be sufficient to complete the works, it shall be lawful for the said Commissioners, with the sanction of the Commissioners of Her Majesty's Treasury, to expend such further sum as they may think beneficial to all persons interested in the land, and necessary to make any works commenced available for the improvement of the land; and the order of the said Commissioners of Public Works directing any such further expenditure shall be registered in like manner, and shall have the same effect, as any order directing an advance; and the lands therein specified shall, from the date of such order, become charged with the payment, in manner by this Act directed, of a rent-charge bearing such proportion as aforesaid to the amount of such further advance; and in any such case it shall be lawful for the said Commissioners, by any such order, to fix the date from which any such rent-charge shall be computed, and the day whereon the first payment thereof shall be made.

xxxv. That nothing herein contained shall be construed to prevent any owner of land which shall have been improved under the provisions of this Act from applying for a new loan, nor to prevent the Commissioners of Public Works, with the sanction of the Commissioners of the Treasury, as hereinbefore directed, from making any new loan, under the provisions of this Act, on the security of lands already improved, as often as it shall appear to them that any new works proposed will effect (either immediately or prospectively) an improvement in the annual value of the lands intended to be improved to an amount exceeding the utmost annual amount to be charged thereon under this Act in respect the new loan applied for; and that all the provisions in this Act contained with respect to any first application for a loan, and the proceedings thereon, shall apply to any application for a fresh loan in respect of lands already improved under this Act.

xxxvi. That it shall be lawful for any such owner, upon receiving any part of such loan as aforesaid, or sooner if sanctioned by the said Commissioners of Public Works, by himself, his engineers, agents, and workmen, from time to time to enter upon any lands of which he shall be owner within the provisions of this Act, making such compensation to any person or persons for any damage or injury done thereby in the same manner and subject to the like provisions as in cases of compensation to be made by the said Commissioners of Public Works in respect of any damage done by the said Commissioners, (except as to the adding of any damage to the sum in respect of which a rent-charge is to be charged under this Act), and to execute all the necessary works for which such loan may be made, notwithstanding that any other person or persons may have any other estate or interest in the same lands.

xxxvii. That in case any loan shall be made under this Act, the lands specified in such order of the said Commissioners of Public Works as before mentioned for the making of such loan shall from the date of such order become charged with the payment to Her Majesty of an annual rent-charge of 6l. 10s. for every 100l. of such loan from time to time advanced, including such costs and expenses of investigation as aforesaid, and so on in proportion for any lesser amount, and to be payable for the term of twenty-two years, to be computed from the 5th of April or 10th of October which shall next happen after the advance in respect of which the rent-charge shall be charged, such rent-charge to be paid by equal half-yearly payments on the 5th of

April and 10th of October in every year, the first of such payments to be made on the second of such days which shall happen next after the issue of any such advance in respect of which the rent-charge shall be charged.

XXXVIII. That every such rent-charge to be secured by virtue of this Act shall take priority of all charges and incumbrances whatsoever and whensoever made, save and except quit rents and rent-charges in lieu of tithes, and also save and except all charges prior in date, if any, existing under and by virtue of an Act, 5 & 6 Vict. c. 89, intituled 'An Act to promote the Drainage of Land, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland,' and two other Acts since passed amending the same Act, or under and by virtue of this Act.

XXXIX. That if any half-yearly payment of such rent-charge shall remain unpaid by the space of twenty-one days next after the day on which the same should be paid as aforesaid, then it shall be lawful for the Court of Chancery in Ireland, upon the petition of the Attorney General for Ireland for the time being, to appoint a receiver of the rents, profits, and issues of the lands liable to any such rent-charge, who shall have the same powers as any other receiver of the said Court of Chancery, and shall apply the same rents, profits, and issues (after deduction of the necessary expenses of the application to the said Court, and the other expenses consequent thereon, and after payment of all outgoings in respect of any charges or incumbrances having priority under this Act, and the costs of collection and of the receiver,) in or towards payment of the said rent-charge.

XL. That if any such rent-charge, or any half-yearly payment thereof, or any part thereof (not exceeding in amount the sum of 50*l.*), shall remain unpaid for the space of thirty-one days next after the same shall be due, then, in addition to the other powers in and by this Act given, it shall be lawful for the Attorney General for Ireland for the time being to recover the same by civil bill against the person who for the time being under this Act was or shall from time to time be liable to pay the same.

XLI. That the rent-charges which shall become chargeable on lands under this Act shall be paid to such person or in such manner as the said Commissioners of Her Majesty's Treasury may from time to time signify and appoint by notice to be published in the *Dublin Gazette* for that purpose; and all monies so paid shall be paid into the Bank of Ireland to the credit of the Paymaster of Civil Services, and by him carried to the account of the Consolidated Fund; and the receipt of any person so appointed, or of the said Paymaster, as the case may be, shall be a sufficient discharge for the same.

XLII. Provided and enacted, That, if any owner shall so desire it, the amount of such rent-charge may, with the sanction of the Commissioners of Her Majesty's Treasury, be increased to such amount as will repay the sum so advanced sooner than the said period of twenty-two years hereinbefore appointed for the payment of such rent-charge, such increased amount of rent-charge to be calculated according to the table in the Schedule (B.) hereunto annexed for that purpose.

XLIII. That every owner of land so charged as aforesaid and absolutely entitled thereto, shall be the party to pay the said rent-charge; and every owner of land for the time being within the meaning of this Act, being tenant for life, or having a limited or determinable interest in the lands charged, and every succeeding tenant for life or other person having a limited or determinable interest in such land liable to such rent-charge, shall, as between such person and the persons in remainder or reversion, be bound to pay the half-yearly payments of such rent-charge which shall become payable during the continuance of his interest, and, in case he shall be in the actual occupation of or entitled to an apportioned part of the rents and profits of such land up to the time of the termination of his interest, shall also be bound to pay an apportioned part of the half-yearly payment of such rent-charge which shall become due next after the termination of his interest, proportioned to the time which shall have elapsed between the day of the previous half-yearly payment and the day of such termination.

XLIV. That any person entitled to land charged with any such rent-charge shall be at liberty, at any time before the expiration of twenty years after the commencement thereof, to redeem such rent-charge or any part thereof, not being (less than 10*l.* annual charge, on payment to the Paymaster of Civil Services of the arrear (if any) thereof, and of such sum as shall be equal to the value of such rent-charge, to be ascertained according to the table in Schedule (C.) hereunto annexed for that purpose; and the said Paymaster of Civil Services shall issue and deliver to such owner a certificate of such redemption; and all monies to be so paid to the Paymaster of Civil Services shall be applied by him in the manner herein provided with respect to monies to be received for rent-charges.

XLV. That every occupier of land who, not being the owner thereof within the meaning of this Act, and liable to the rent-charge charged thereon, shall pay any sum of money for the land in his occupation on account of any such rent-charge, shall be authorized to deduct from and out of his rent the amount of the sum of money which he shall so pay as aforesaid; and the next immediate landlord of such occupier, if not himself such owner, and liable to such rent-charge as aforesaid, shall be authorized to make the like deduction from the rent payable by him, and so on, each sub-lessee and sub-lessor of such land (not being such owner) being entitled to deduct the sum so paid on account of such rent-charge from and out of the rent payable to his next immediate landlord until such deduction shall be made from the rent payable to a person being the owner within the meaning of this Act, and liable to such rent-charge as aforesaid, who shall not be entitled to make any such deduction from the rent (if any) payable by him, and every such occupier, sub-lessee, or sub-lessor, as the case may be, paying any such sum of money, shall be acquitted and discharged of the sum so paid by him as fully and effectually as if the same had been actually paid to his landlord (except where there shall be any lease or agreement to the contrary made after the passing of this Act); but nothing herein contained shall extend or be construed to enable any such occupier, sub-lessee, or sub-lessor to deduct from his rent any costs or expenses incurred by the non-payment of the monies charged and to be levied under and by virtue of this Act.

XLVI. That in case any land which shall be so improved as aforesaid shall at any time, not later than twelve months after the completion of the works for the improvement thereof, be in the occupation of any person who shall not be the owner thereof within the meaning of this Act liable to such rent-charge, then and in every such case the said Commissioners of Public Works shall, if required so to do by or on behalf of the owner of such land for the time being liable to such rent-charge, or by or on behalf of the occupier of such land, determine the amount of increased rent, if any, which the occupier of such lands ought, (immediately or prospectively at one fixed or at a progressive rent) to pay by reason of the improving thereof under the provisions

of this Act, and shall signify their determination by indorsement in writing on the lease or other instrument, if any, by which such lands may be held, or by a separate instrument under their corporate seal, in which determination the Commissioners shall be bound to have regard, and as far as possible to give effect to any agreement which shall be shewn to their satisfaction to have been entered into by the proprietor and any person or persons having an immediate or derivative title from him in the said lands respecting the improvement thereof under the provisions of this Act; and the occupier of such lands shall pay to his next immediate landlord the said increased rent, and the immediate landlord of such occupier, if not himself such owner as last aforesaid, shall pay the said increased rent to his immediate landlord, and so successively each sub-lessor and sub-lessee of such land, not being such owner as last aforesaid, shall pay the same to his immediate landlord until such payment shall be made to the owner of such lands within the meaning of this Act; and the said increased rent shall be due and payable at the same times as the rent originally reserved would be due and payable between the respective parties and the landlord of such occupier; and every landlord entitled under the provision aforesaid shall have the same remedies for the recovery of such increased rent as he or they might have or were entitled to have for the rent originally reserved.

XLVII. That it shall be lawful for the said Commissioners of Public Works, with the sanction of the Commissioners of Her Majesty's Treasury, from time to time and at any time when and so often as by reason of the improvement in value of any lands in respect of which any loan shall have been made under this Act, or by reason of the redemption of any part of the loan any portion of the lands charged with any rent-charge shall appear to them a sufficient security for the whole of such rent-charge, by any deed or instrument under their common seal to release any of the lands originally charged with the said rent-charge from the payment thereof; and so release of any portion of the lands charged with a rent-charge under this Act shall in anywise avoid, diminish, or affect any remedies by this Act given or otherwise to be had and exercised for the recovery of such rent-charge in respect of the residue of the lands therewith charged: Provided nevertheless, that such release shall not be effectual unless the same be made with the consent in writing of all persons having any charge or incumbrance on such part of the land as shall continue liable to the rent-charge.

XLVIII. That it shall be lawful for the said Paymaster of Civil Services from time to time, and at any time at the request of any person to whom any money shall have been lent under this Act, or of any person for the time being liable to pay any rent-charge created under this Act, or for the time being interested in any lands charged with such rent-charge, and at the expense of the person requiring the same, to deliver or cause to be delivered to any such person a certificate under his hand showing, as the case may be, the amount of money for the time being advanced or to be advanced under the provisions of this Act on the security of the lands to be specified in any such certificate, and the respective instalments made or to be made in respect thereof, and the dates of such instalments respectively, the amount of rent-charge for the time being charged upon such lands under the provision of this Act, the date of commencement thereof, or of the first or any subsequent payment thereof, the number of payments made or to be made or in arrear for the time being, or any of such matters respectively; and every such certificate shall be evidence of all and every the matters therein specified.

XLIX. That if any such rent-charge shall be in arrear for the space of two years next after any of the days on which the same should be paid as aforesaid, then and in any such case it shall be lawful for the said Paymaster for the time being, after notice to the owner of such land or his known agent, and by direction of the Commissioners of Her Majesty's Treasury, to apply in a summary manner to the Court of Chancery in Ireland for an order for the sale of all or a competent part of the lands so charged, and on satisfactory proof being adduced that the said rent-charge is so in arrear, then the said Court shall by order authorize and direct the Paymaster of Civil Services, without any further process, writ, or other proceeding, by sale of the lands liable to such rent-charge, subject as hereinafter mentioned, or a competent part thereof, to raise such sum of money as shall be sufficient to repay all monies due and in arrear at the time of sale in respect of such rent-charge, and of any other rent-charge charged on the said lands under this Act, and the value of the said rent-charge or rent-charges thereafter to become payable out of the lands liable to such rent-charge or rent-charges under this Act (such value to be ascertained in the same manner as the value of any rent-charge to be redeemed as by this Act provided), and all costs as between solicitor and client, and other charges whatsoever attending such sale and other proceedings; and the money so raised shall be applied, first, in discharge of all costs, charges and expenses as aforesaid; secondly, in and towards reimbursement and satisfaction of such arrears and such value of such rent-charge or rent-charges under this Act; and the surplus (if any) of such monies shall be paid either to the owner for the time being of the lands sold and absolutely entitled thereto, or (in case such owner shall be a person having a life estate or other determinable interest, or where, but for the provisions of this Act, the said land could not have been sold,) then into the Bank of Ireland in the name and with the privy of the Accountant General of the Court of Chancery in Ireland, to be placed to his account *ex parte* the said Paymaster, and pursuant to any law or order for the time being in force in that behalf, and without fee or reward, such money to be applied under the direction of the said Court (to be signified by any order made upon petition in a summary way presented by the persons who would have been entitled to the rents and profits of the said land) in or towards the discharge of any debt or incumbrances, or any part thereof, affecting the said land, or affecting other land settled to the same or the like uses, or upon the same or the like trusts, in or towards the purchase of other land to be conveyed and settled to and upon the same uses, trusts, intents and purposes, and in the same manner, as the land sold stood settled or limited to, or such of them as at the time of such sale were existing undetermined and capable of taking effect; and in the mean time, and until any such purchase, the said money shall, by order of the said Court, be invested by the said Accountant General, in his name, in the purchase of any stocks, funds, or annuities transferable at the Bank of Ireland, the dividends of the said stocks, funds, or annuities, until sale thereof, to be paid from time to time by order of the said Court to the person who would for the time being have been entitled to the rents and profits of the land so to be purchased or settled.

L. That the receipt of the Paymaster of Civil Services in Ireland for the time being shall alone be a sufficient discharge to all persons whomsoever for the purchase-money of any lands sold under this Act; and such persons shall not be bound to see to or be liable for the application thereof, nor shall any such person be bound to inquire as to the value or quantity of lands sold; and any sale under this Act may be made in lots, and subject to such conditions as the vendor shall think fit, and may be bought in and re-sold, although at a loss; and any contract for sale may be altered or rescinded as the vendor shall think fit; and any conveyance or assignment executed by the Paymaster of Civil Services shall be effectual for all purposes therein expressed, and shall be binding and conclusive upon all persons whomsoever interested in the lands, and shall convey all estate, right, title, or interest whatso-

ever of any person whomsoever in the lands the subject of such conveyance, and shall assure the lands to such uses, upon such trusts, and in such manner as shall be expressed in such conveyance, subject nevertheless only to any charge having priority under the provisions of this Act, and also to any chief rent as hereinafter defined which shall have been reserved or payable therout previously to the date of the order of the said Commissioners, and subject to the estate or estates to which such chief rent or chief rents shall be incident, and subject to any under-tenants' or occupiers' leases at rack rent, or their interests in such lands, and subject also as may be expressed in any such conveyance or assignment, but freed from all other charges and incumbrances whatsoever; and the signature of the Paymaster to any such deed shall be sufficient evidence that all the provisions of this Act have been complied with.

LII. Provided and enacted, That in any case where the Paymaster of Civil Services shall proceed to sell any land as aforesaid, if the owner of such land shall be desirous that any other land settled to the same uses with the land so improved shall be sold instead of the land so improved, and such owner shall be tenant for life or incapacitated otherwise from selling such lands, it shall be lawful for such owner to apply to the High Court of Chancery in Ireland by petition in a summary way praying that the Paymaster of Civil Services may be authorized or directed to make such sale of any such lands not liable to such rent-charge, but settled to the same uses as any lands liable thereto as aforesaid, and thereupon it shall be lawful for the Court to make such order authorizing or directing such sale or otherwise as to the Court shall seem fit: Provided always, that fourteen days' notice in writing of any such application shall be given to the person entitled to the estate or interest in the lands proposed to be sold in remainder or reversion next expectant on the determination of the estate or interest of the owner whose land shall be sold as aforesaid, or to the guardian of such person being an infant, or to the husband of such person being a feme covert, or to the committee of such person being a lunatic; and provided also, that in case of any such sale the owner shall give notice to the said Paymaster of such his application to the said Court as aforesaid, and it may be lawful for such Court, if it shall so think fit, to stay the proceedings of the said Paymaster in respect to sale of any lands liable to the rent-charge for a reasonable time; and every sale directed to be made by the said Court shall, unless otherwise ordered by the said Court, be taken to be within the provisions of this Act as to any sale by the Paymaster, and the purchase-money from such sale shall be received and applied accordingly.

LIII. That on the expiration or discharge of any rent-charge, and on payment of all arrears thereof, and of all costs, charges, and expenses (if any) incurred in any proceedings to recover the same, or for any sale under this Act in relation thereto, the said Paymaster shall execute and cause to be registered in the office for the registry of deeds in the city of Dublin a release of the lands so charged with such rent-charge.

LIV. That the rent-charge by virtue of this Act to be charged on any land shall not be deemed such an incumbrance as shall preclude a trustee of money from investing the same in a purchase or upon a mortgage of such land so charged, unless the terms of such trust shall expressly provide that the trust money shall not be so invested; and any trust monies already invested or lent on any land which may become charged with such rent-charge, or which, before the making such charge, were charged on the said land, may, if the trustee think fit, be continued on the security of the said land, notwithstanding the imposition of such rent-charge; and no guardian, committee, feoffee, trustee, executor, or administrator shall be in anywise concerned or obliged to signify a dissent to any application under this Act, or be in anywise responsible for the consequence of such application, or the charge made in pursuance thereof.

LIV. That so long as any land shall continue charged with any such rent-charge the person for the time being bound to pay such rent-charge shall be bound to uphold and maintain in good order and condition the works on account of which the lands shall have been charged as aforesaid, and in default of so upholding and maintaining any such work shall be liable to an action on the case in the nature of an action of waste for the damage thereby occasioned, at the suit of the person then entitled to the next estate in remainder or reversion in the said lands.

And after reciting that under an Act, 9 & 10 Vict. c. 4, intituled 'An Act to amend the Acts for promoting the Drainage of Lands and Improvement of Navigation and Water Power in connexion with such Drainage in Ireland, and to afford Facilities for increased Employment for the labouring Classes in Works of Drainage during the Present Year,' and also under an Act, 9 & 10 Vict. c. 101, intituled 'An Act to authorize the Advance of Public Money to a limited Amount, to promote the Improvement of Land in Great Britain and Ireland by Works of Drainage,' proceedings and investigations preliminary to the execution of works or granting of loans have been taken and made, and advances of money have been made or have been agreed to be made by the Commissioners of Public Works for the drainage and other improvement of the lands of single proprietors in Ireland:—

It is Enacted,

LV. That all money advanced or agreed to be advanced by the said Commissioners of Public Works, with the sanction of the Commissioners of Her Majesty's Treasury, under either of the said last-recited Acts for such purposes, shall (unless the said Commissioners of Public Works shall otherwise specially direct) be considered as advanced and be advanced under the provisions of this Act, and as if the preliminary proceedings and investigations had been duly taken and made under this Act, and the person on whose application or assent any such advance has been made or agreed to be made had been owner of such land under the provisions of this Act; provided the owner for the time being entitled to the land to be charged shall require to have the provisions of this Act applied to such loan, and undertake to execute the works in respect of which such loan was made according to the provisions of this Act, and thereupon the lands the subject of any such drainage or improvement shall become charged with the payment to Her Majesty of an annual rent-charge of such proportion and amount as would be chargeable in respect of any such advance if made under the provisions of this Act; and the said Commissioners of Public Works shall, by order as aforesaid, fix the commencement of any such rent-charge, and the date of the first payment thereof; and all the provisions, powers, privileges, and authorities herein contained for securing the payment and priority or for recovery of any rent-charge charged in respect of any advance originally made under this Act, or otherwise by this Act enacted concerning any rent-charge or the lands charged therewith, shall apply so far as applicable to any rent-charges charged under the present provision; and all proceedings heretofore had and taken by the said Commissioners under the provisions of any previous Act of Her present Majesty's reign for drainage or improvement of lands shall be effectual for the purposes of this Act.

LVI. That it shall be lawful for the said Commissioners of Public Works, upon any inquiry or proceeding to be had by or before them under any of the provisions of this Act, to summon and examine upon oath or affirmation any person whomsoever; and if

any person so summoned, having been paid or tendered a sufficient sum of money, to be ascertained by the said Commissioners to defray the charges for his attendance, shall not appear before the said Commissioners, pursuant to such summons, without assigning some reasonable excuse for not appearing, or shall refuse to be sworn or to affirm (as the case may be), or to be examined and give evidence touching the premises, the said Commissioners, upon proof upon oath of the service of such summons and of such tender, shall be authorized by warrant under their common seal to direct any person whosoever to cause any sum of money, not exceeding 5*l.*, to be levied by distress and sale of the goods and chattels of the person so neglecting or refusing to appear or to be sworn, or to affirm or give evidence, rendering the overplus (if any), upon demand, to the person whose goods and chattels shall have been distrained and sold, after deducting the costs and charges attending such distress and sale; and the monies so to be levied as aforesaid shall be applied for such purposes and in such manner as the said Commissioners may direct.

LXVII. That every person upon examination on oath or affirmation before the said Commissioners respectively, or any officer by them appointed as aforesaid, and also every person making any such affidavit, declaration, deposition, or affirmation as aforesaid, who shall wilfully and corruptly give false evidence, or shall in such affirmation, affidavit, declaration, or deposition wilfully or corruptly swear, affirm, or allege any matter or thing which shall be false or untrue, shall be subject to the pains and penalties of persons convicted of wilful and corrupt perjury by any law in force for the time being.

LXVIII. That every person who shall wilfully obstruct or assault any Commissioner of Public Works, or any engineer, or other officer, servant, or workman, acting in aid or under the orders of the said Commissioners, in the execution of any of the powers given by this Act, shall forfeit and pay for every such offence, upon conviction thereof by the oaths of one or more credible witness or witnesses before any Justice or Justices of the Peace, such sum not exceeding 5*l.* as such Justice or Justices shall think fit, to be applied in such manner and for such purposes as the said Justice or Justices shall direct, or in default of payment every such person shall be imprisoned for such number of days, not exceeding fourteen, as the said Justice or Justices shall direct.

LXIX. That no bond, obligation, or other security, contract, agreement, or other instrument whatever, taken or made to or by the said Commissioners, nor any affidavit, deposition, release, receipt or discharge to be respectively taken or made under and by virtue of this Act to or by them, nor any power of attorney to receive from the said Paymaster of Civil Services any monies advanced on account of loans under this Act, nor any other instrument whatsoever executed under the provisions of this Act, nor any memorial thereof for registration, shall be liable to any stamp duty whatever.

LX. That all notices requiring to be served by or on behalf of the said Commissioners or otherwise under the provisions of this Act upon any person may be transmitted through the post, directed to the last known address of such person, within such period as to admit of its being delivered in due course of delivery within the period, if any, prescribed for the giving of such notice; and in proving any service by post it shall be sufficient to prove that the notice was properly directed, and so put into the post-office as before directed.

LXI. That if any engineer, surveyor, agent, officer, or servant employed by the said Commissioners in any manner relating to proceedings under the provisions of this Act shall refuse or neglect, after seven days' notice in writing for that purpose, to deliver up to the said Commissioners, or to any person authorized by them for that purpose, any survey, map, plan, estimate, specification, book, paper, or document belonging to the said Commissioners, or to any owner of lands proposed to be improved under the provisions of this Act, in the possession or custody of such engineer, surveyor, agent, officer, or servant, any such person shall for every such offence forfeit and pay a sum not exceeding 20*l.* to be recovered in a summary way before any two Justices at petty sessions, and levied under the warrant of such Justices by distress and sale of the goods of the person so refusing or neglecting; and it shall be lawful for such Justices to order any constable, with proper assistance, to search for and take possession of any such survey, map, plan, estimate, specification, book, paper, or document, and to deliver the same to the said Commissioners, or any person authorized by them to receive the same.

And after reciting that it may happen that by reason of the works to be executed in pursuance of the provisions of this Act it may be convenient to alter the boundaries of the lands of different owners, and therefore that such powers of exchange should be given to the Commissioners as after mentioned :—

It is Enacted,

LXII. That it shall be lawful for the Commissioners, upon the application in writing of the persons interested as owners, as hereinbefore defined, except owners under a lease reserving rent for a life or lives, or for a term of years, in any lands which shall be drained or improved under the provisions of this Act, or in any lands adjacent to any such lands, and who shall desire to effect an exchange of lands in which they respectively shall be so interested, to direct inquiries whether such proposed exchange would be beneficial to the owners of such respective lands, and has been rendered necessary or expedient by reason of any such drainage or improvement as aforesaid; and in case the Commissioners shall be of opinion that such exchange would be beneficial, and that the terms of the proposed exchange are just and reasonable, they shall cause to be framed and confirmed, under the hands and seal of the Commissioners, an order of exchange, with a map or plan thereunto annexed, in which order shall be specified and shewn the lands given and taken in exchange by each person so interested respectively, and a copy of such order, under the seal of the Commissioners, shall be delivered to each of the parties on whose application the exchange shall have been made, and such order of exchange shall be good, valid, and effectual in the law to all intents and purposes whatsoever, and shall be in no wise liable to be impeached by reason of any infirmity of estate or defect of title of the persons on whose application the same shall have been made; and the land taken upon every such exchange shall be and enure to, for, and upon the same uses, trusts, intents and purposes, and subject to the same conditions, charges, and incumbrances, as the lands given on such exchange would have stood limited or been subject to in case such order had not been made; and all expenses with reference to such order and exchange, or the inquiries in relation thereto, or to any proposed exchange, shall be borne by the persons on whose application such order shall have been made, or such inquiries undertaken: Provided always, that no exchange shall be made of any land held in right of any church or chapel or other ecclesiastical benefice, without

the consent, testified in writing, of the bishop of the diocese and the patron of such benefice: Provided also, that no one lot or parcel of land given or taken in exchange shall ever exceed ten acres; and it shall be lawful for the said Commissioners to authorize the payment of any sum of money by way of equality of exchange, or in respect of any such exchange, and the monies so given shall be paid and divided by the said Commissioners in such manner as they shall think fit, and for the compensating the parties interested in the land given in exchange, and according to their respective estates and interests, and the decision of the Commissioners in the premises shall be binding.

LXIII. Provided and enacted, That no such order of exchange as aforesaid shall be confirmed by the Commissioners until notice shall have been given by advertisement in three successive weeks of such proposed exchange, and three calendar months shall have elapsed from the publication of the last of such advertisements; and in case, before the expiration of such three calendar months, any person entitled to any estate in or to any charge upon any land included in such proposed exchange shall give notice in writing to the Commissioners of his dissent from such proposed exchange, the Commissioners shall not confirm an order for such exchange unless such dissent shall be withdrawn, or it shall be shewn to the Commissioners that the estate or charge of the party so dissenting shall have ceased.

LXIV. That if any difference shall arise touching the said expenses in relation to any exchange, orders, or inquiries as aforesaid, or the share thereof, to be paid by any person, it shall be lawful for the Commissioners to certify under their hands and seal the amount to be paid by such person; and in case any person shall neglect or refuse to pay his share so certified to be payable by him, and upon the production of such certificate before any two Justices of the Peace for the county or other jurisdiction wherein the land shall be situate, such Justices, upon the non-payment thereof, are hereby required, by warrant under their hands and seals, to cause the same to be levied by distress.

LXV. That, notwithstanding anything in this Act or in the Acts herein recited or referred to contained or implied to the contrary, it shall not be lawful for any person or persons to embark or reclaim from the sea or tidal waters or rivers, any shore, mud bank, or slobs belonging to her Majesty in right of her Crown, or to reclaim waste or other lands belonging to Her Majesty in right of her Crown, or to construct works on any such lands, nor shall it be lawful for the said Commissioners to make loans to any person or persons for the purposes aforesaid, without the previous consent of Her Majesty, her heirs and successors, to be signified in writing under the hands of two of the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenue, Works, and Buildings, and as far as regards the embankment or reclamation of lands from the sea or tidal waters or rivers, or the construction of works below high-water mark, without the previous consent also of the Lord High Admiral, or Commissioners for executing the office of Lord High Admiral of the United Kingdom, to be signified in writing under the hand of the Secretary of the Admiralty for the time being, except in those cases wherein the soil and bed of the tidal waters and rivers and rights of vice admiralty and conservancy have been granted by the Crown to and are now vested in any other body.

LXVI. That in the construction of this Act, except where the nature of the provision or the context of this Act shall exclude such construction, the word "land" shall extend to all hereditaments corporeal or incorporeal, and any estate or interest therein, and any undivided part thereof, or any charge or incumbrance thereon; and the words "person or persons" shall extend to all bodies politic, corporate, or collegiate, and also to all archbishops, bishops, parsons, and other ecclesiastical persons, and any number of persons associated together as a company or partnership; and the word "lease" shall include an agreement for a lease; and the word "benefice" shall include any rectory, vicarage, perpetual curacy, donation, endowed public chapel, parochial chapelry, and district chapelry, the incumbent whereof in right thereof shall be a corporation sole; and the word "owner" shall include the reputed owner; the expression "chief rent" shall include all rents reserved upon or payable out of or in respect of the estate or interest of any person being an owner within the meaning of this Act, or any estate or interest paramount thereto; and every word importing the singular number only shall extend to several persons or things as well as to one person or thing; and every word importing the plural number shall extend to one person or thing as well as to several persons and things; and every word importing the masculine gender only shall extend to a female as well as to a male; the word "Commissioners" or the words "the said Commissioners" shall mean the Commissioners of Public Works in Ireland for the time being, or any two of them, except where otherwise expressed; the words "Commissioners of the Treasury" shall mean the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any two of them; and the words "Paymaster of Civil Services" shall mean the Paymaster of Civil Services in Ireland for the time being.

LXVII. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES referred to in this Act.

SCHEDULE (A.)

Form of Memorial under Vict. Cap.

To the Commissioners of Public Works in Ireland.

The Memorial of the undersigned,

Sheweth,

THAT your Memorialist is, within the Meaning of an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled An Act [here set forth the title of this Act], Owner of the Lands mentioned in the Schedule hereunto annexed.

That your Memorialist proposes to increase the Value of the said Lands by* as mentioned in or to be inferred from the annexed Report, Plan, Estimate, and Specification, which your Memorialist prays may be respectively considered as Part of this his Memorial.

That he is desirous of obtaining a Loan for that Purpose, to be secured by a Rent-charge on the Lands mentioned in the said Schedule under the Provisions of the above-mentioned Act.

That the present annual Value of the Lands is the Sum of Pounds, and that the Quit Rent[s] and Rent-charge[s] in lieu of Tithes now charged upon the same Lands amount together to the annual Sum of Pounds, as more particularly set forth in the said Schedule.

That the Expense of effecting such in manner aforesaid is estimated at the Sum of Pounds Sterling, as more particularly mentioned and set forth in the Estimate annexed; and that the estimated Increase in the annual Value expected to arise to the said Lands in said Schedule, the Subject of such proposed Improvements, amounts to Pounds, as set forth in the annexed Report.

And this Memorialist further states and specifies that his Estate and Interest in the said Lands and Premises is as follows: †

And this Memorialist now applies and asks for the Advance of the Sum of Pounds by way of Loan, under the Provisions of the said Act, for defraying the Expense of the proposed Works, with such Alterations and Modifications as the Commissioners of Public Works may approve of.

Dated at this Day of 18 .

Witness of Signature of Owner.‡

* Here state the proposed Works.

† State what Estate or Interest the Memorialist has in the Lands, and the Particulars of the Title by which the Memorialist is constituted an Owner within the meaning of the Act, having regard to the Provisions of the Act. Also state whether the whole of said Lands are held under one and the same Interests or Title, and what extent is held thereby, and if under different Interests or Titles, how much under each.

‡ State the Occupation, Residence and Post Town of Applicant and Witness.

SCHEDULE.

| Owner. | Occupier. | Townland, with the Denomination or reputed Name or Names by which the Lands are known. | Barony or Parish, distinguishing which. | County. | Probable Quantity of Land. | Quit Rents. | Rent-charges in lieu of Tithes. |
|--------|-----------|--|---|---------|----------------------------|-------------|---------------------------------|
| | | | | | | | |

SCHEDULE (B.)

TABLE for calculating RENT-CHARGES to be paid off in less time than Twenty-two Years.

| Reduced Period. | | Annual Rent-charge for such Period for each £6 10s. of Rent-charge. | |
|--|-----------|---|---------------------------|
| Annual Rent-charge, if it is to last. | 21 Years. | £. Decimals. | £ s. d. |
| | 20 — | 6.7091 | In Sterling Money 6 14 2½ |
| | 19 — | 6.9398 | 6 18 9½ |
| | 18 — | 7.1958 | 7 3 11 |
| | 17 — | 7.4812 | 7 9 7½ |
| | 16 — | 7.8013 | 7 16 0½ |
| | 15 — | 8.1626 | 8 3 3 |
| | 14 — | 8.5734 | 8 11 5½ |
| | 13 — | 9.0441 | 9 0 10½ |
| | 12 — | 9.5887 | 9 11 9½ |
| | 11 — | 10.2256 | 10 4 6½ |
| | 10 — | 10.9801 | 10 19 7½ |
| | 9 — | 11.8874 | 11 17 9 |
| | 8 — | 12.9984 | 12 19 11½ |
| | 7 — | 14.3895 | 14 7 9½ |
| | 6 — | 16.1808 | 16 3 7½ |
| | 5 — | 18.5724 | 18 11 5½ |
| | 4 — | 21.9244 | 21 18 5½ |
| | 3 — | 26.9574 | 26 19 1½ |
| | 2 — | 35.3520 | 35 7 0½ |
| | 1 — | 52.1508 | 52 3 0½ |
| | | 102.5666 | 102 11 4 |

Note.—This Table is calculated on the Assumption that a yearly Rent-charge of £6 10s. continuing for a Term of 22 Years (but payable half-yearly) is equivalent to the Sum of £100 in ready Money.

SCHEDULE (C.)

TABLE for the REDEMPTION of RENT-CHARGES.

| Term unexpired. | | Redemption Money to be paid in respect of each £10 of Rent-charge. | | Term unexpired. | | Redemption Money to be paid in respect of each £10 of Rent-charge. | |
|-----------------|--------------------|--|-----------|-----------------|---------------------|--|------------|
| ½ Year. | £. Decimals. | In Sterling Money | £. s. d. | 11 Years. | £. Decimals. | In Sterling Money | £. s. d. |
| | 4.91612 | | 4 18 4 | | 91.07385 | | 91 1 5½ |
| 1 — | 9.74976 | — | 9 15 0 | 11½ — | 94.46209 | — | 94 9 3 |
| 1½ — | 14.50232 | — | 14 10 0½ | 12 — | 97.79349 | — | 97 15 10½ |
| 2 — | 19.17514 | — | 19 3 6 | 12½ — | 101.06900 | — | 101 1 4½ |
| 2½ — | 23.76957 | — | 23 15 4½ | 13 — | 104.28956 | — | 104 5 9½ |
| 3 — | 28.28693 | — | 28 5 8½ | 13½ — | 107.45609 | — | 107 9 1½ |
| 3½ — | 32.72850 | — | 32 14 6½ | 14 — | 110.56950 | — | 110 11 4½ |
| 4 — | 37.09555 | — | 37 1 11 | 14½ — | 113.63067 | — | 113 12 7½ |
| 4½ — | 41.38935 | — | 41 7 9½ | 15 — | 116.64049 | — | 116 12 9½ |
| 5 — | 45.61111 | — | 45 12 2½ | 15½ — | 119.59980 | — | 119 12 0 |
| 5½ — | 49.76204 | — | 49 15 3 | 16 — | 122.50948 | — | 122 10 2½ |
| 6 — | 53.84334 | — | 53 16 10½ | 16½ — | 125.37035 | — | 125 7 5 |
| 6½ — | 57.85617 | — | 57 17 1½ | 17 — | 128.18322 | — | 128 3 8 |
| 7 — | 61.80168 | — | 61 16 0½ | 17½ — | 130.94891 | — | 130 18 11½ |
| 7½ — | 65.68100 | — | 65 13 7½ | 18 — | 133.66818 | — | 133 13 4½ |
| 8 — | 69.49524 | — | 69 9 10½ | 18½ — | 136.34188 | — | 136 6 10 |
| 8½ — | 73.24548 | — | 73 4 11 | 19 — | 138.97065 | — | 138 19 5 |
| 9 — | 76.93282 | — | 76 18 7½ | 19½ — | 141.55536 | — | 141 11 1 |
| 9½ — | 80.55829 | — | 80 11 2 | 20 — | 144.09673 | — | 144 1 11½ |
| 10 — | 84.12295 | — | 84 2 5½ | 20½ — | 146.59544 | — | 146 11 11 |
| 10½ — | 87.62780 | — | 87 12 6½ | 21 — | 149.05229 | — | 149 1 0½ |

Note.—This Table is calculated on the Assumption that a yearly Rent-charge of £6 10s. continuing for a Term of 22 Years (but payable half-yearly) is equivalent to the Sum of £100 in ready Money.

CAP. XXXIII.

AN ACT to amend the Laws relating to the Removal of poor Persons from *England* and *Scotland*.
(21st June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Guardians, &c., in England may take persons removable therefrom under the first-recited Act before two Justices without summons, &c.*
2. *Inspectors of the poor in Scotland to take persons removable therefrom under secondly-recited Act before sheriff or two Justices without previous complaint, &c.*
3. *Persons taking paupers before Justices to have powers of constables.*
4. *Interpretation of Act.*
5. *Act may be amended, &c.*

By this Act,

After reciting the passing of 8 & 9 Vict. c. 117. for the removal from England of poor persons who, though born in Scotland, Ireland, or the Islands of Man, Scilly, Jersey, or Guernsey, and not settled in England, are chargeable to some parish in England; and that by 8 & 9 Vict. c. 83. s. 77. provision was made for the removal from Scotland of poor persons, who, though born in England, Ireland, or the Isle of Man, and not settled in Scotland, receive relief from some parish or combination in Scotland: and that it is expedient that certain provisions of the said Acts should be amended:—

It is Enacted,

1. That it shall be lawful for any guardian, relieving officer, or overseer of any parish or union in England, to take and convey before two Justices of the Peace, without summons or warrant, every poor person who shall become chargeable to any parish in England, and who he may have reason to believe is liable to be removed from England under the first-recited Act; and the Justices before whom any such person shall be so brought shall hear and examine and proceed in the same manner in all respects as if such person had been brought before them under and in the manner directed by that Act.

11. That it shall be lawful for any inspector of the poor, or other officer appointed by the parochial board of any parish or combination in Scotland, to take and convey before the sheriff or any two Justices of the Peace of the county in which the parish or combination for which such inspector or officer acts, or any portion thereof is situated, without previous complaint or warrant in that behalf, every poor person who shall be in the course of receiving parochial relief in any parish or combination in Scotland, and who he may have reason to believe is liable to be removed from Scotland under the secondly-recited Act; and the sheriff or Justices before whom any such person shall be so brought shall make such examination, and proceed in the same manner in all respects as if such person had been brought before him or them under and in the manner directed by that Act.

111. That every person who by this Act is authorized to take and convey any poor person before any sheriff or Justices shall, in the execution of this Act, in that behalf have and exercise all the rights, privileges, powers, and immunities with which a constable is by law invested.

1v. That in the construction of this Act the singular number or masculine gender shall, except when the context excludes such construction be understood to include and shall be applied to several persons, matters, or things, as well as to one person, matter, or thing, and to females as well as males respectively; and that the words "Justices of the Peace" shall be understood to include and extend to a Justice of the Peace, or magistrate of a county, county of a city, or county of a town, or of any city or town corporate.

v. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XXXIV.

AN ACT for consolidating in one Act certain Provisions usually contained in Acts for paving, draining, cleansing, lighting, and improving Towns.

(21st June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Extent of Act.*
2. *Interpretations in this Act:—"The special Act;" "prescribed;" "the Commissioners."*
3. *Interpretations in this and the special Act:—Number; gender; "person;" "lands;" "street;" "month;" "superior courts;" "oath;" "county;" "Justice;" "two Justices;" "Quarter Sessions;" "owner;" "cattle."*

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| Citing the Act. | 4. Short title of this Act. |
| | 5. Form in which portions of this Act may be incorporated with other Acts. |
| | 6. Until an inspector is appointed under some general Act, execution of works may be proceeded with without his approval. |
| Officers. | 7. Commissioners to appoint, subject to approval, a surveyor. |
| | 8. Surveyor, before entering upon office, to make a declaration. |
| | 9. Commissioner shall appoint an inspector of nuisances. |
| | 10. Surveyor and inspector of nuisances. |
| | 11. Commissioners to provide offices for surveyor and inspector. |
| | 12. Power to appoint, subject to approval, an officer of health. |
| Surveys and Plans. | 13. Commissioners to cause a map of the district within the limits of the special Act to be made, and to be open to inspection. |
| | 14. Ordnance may furnish Commissioners with maps, or cause surveys to be made. |
| | 15. Level lines to be marked on map, and bench marks to be made for denoting the same. |
| | 16. Commissioners may cause maps to be engraved, &c., and pay expenses out of rates. |
| | 17. Commissioners to cause plans to be prepared of alterations of new works or alterations of existing works. |
| | 18. Before giving notice of construction of works, plans to be prepared and deposited in the office of the Commissioners. |
| | 19. The taking of lands to be subject to the provisions of this Act and the Lands Clauses Consolidation Act, 1845. |
| Lands. | 20. Errors and omissions in plans, &c. may be corrected by Justices, who shall certify the same.—Certificate to be deposited. |
| | 21. Commissioners to make compensation for damage done.—If parties cannot agree as to compensation, the same to be determined in manner provided by 7 & 8 Vict. c. 18. |
| | 22. Management of sewers and other works vested in the Commissioners. |
| | 23. Drainage districts to be formed, subject to approval of inspector. |
| | 24. Power to Commissioners to construct sewers where none exist, making compensation to owners of property. |
| | 25. Commissioners may alter sewers from time to time. |
| | 26. Commissioners not to destroy existing sewers, &c. without providing others.—Penalty for neglect. |
| Sewers. | 27. Commissioners to cause estimates to be prepared and submitted to the inspector. |
| | 28. As to the expense of making new sewers.—Where lands, &c. were sufficiently drained before making new sewer, occupier to have a reduction made in his rates. |
| | 29. As to the expense of maintaining sewers, &c. |
| | 30. Penalty for making unauthorized drains. |
| | 31. Vaults and cellars under streets not to be made without the consent of the Commissioners. |
| | 32. Streets may be stopped for repairs. |
| | 33. All sewers, &c. to be covered with traps. |
| | 34. Sewers may be used by owners and occupiers of land beyond limits of town or district. |
| | 35. Commissioners empowered to construct drains from house, charging owner, &c. with the expense. |
| | 36. No house to be hereafter built without drains being constructed. |
| | 37. Where houses are rebuilt, the level shall be sufficient to allow a drain to be constructed. |
| | 38. Notice of buildings and rebuildings to be given to the Commissioners. |
| | 39. Commissioners may signify disapproval within fourteen days. |
| House Drains. | 40. Houses built without notice, or contrary to provisions of this or the special Act, may be altered. |
| | 41. If Commissioners fail to signify their approval, &c. within fourteen days, parties may proceed without. |
| | 42. Commissioners may require owners of houses to provide privies and ashpits for the same. |
| | 43. Penalty for neglecting to provide privy, &c. |
| | 44. Drains, privies, and cesspools to be kept in good order by owners.—If owners neglect, Commissioners may cause the same to be done, and charge the owners with the expense. |
| | 45. As to the inspection of drains, privies, and cesspools. |
| | 46. Penalty on persons making or altering drains, &c. contrary to the orders of the Commissioners. |
| | 47. Management of streets vested in the Commissioners. |
| | 48. Commissioners to be surveyors of highways. |
| | 49. Commissioners liable to indictment for want of repairs. |
| | 50. Road trustees not to collect tolls within limits of Act. |
| Paving. | 51. Power for the Commissioners to pave public streets. |
| | 52. Commissioners may place fences to footways. |
| | 53. Where public streets have not heretofore been paved, Commissioners may cause them to be paved, at the expense of the occupiers of adjoining lands. |
| | 54. Future streets may be declared highways. |
| | 55. Commissioners, upon completion of two-thirds of any street, may, upon application, require remaining one-third to be completed by owners of houses. |
| | 56. Penalty on persons altering pavement without the consent of the Commissioners. |
| New Streets. | 57. Notice of intention to lay out new streets to be given to Commissioners. |
| | 58. Levels to be fixed by the surveyor to the Commissioners. |

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| | 59. If the Commissioners fail to fix the level, the party may proceed without. |
| | 60. Persons laying out streets without notice to be liable to the expenses of subsequent alterations of levels. |
| New Streets. | 61. Situation of gas and water pipes to be altered at the expense of the Commissioners. |
| | 62. If gas or water company neglect to make the alteration, the Commissioners may cause the same to be done. |
| | 63. As to the width of new streets. |
| Naming Streets. | 64. Houses to be numbered and streets named. |
| | 65. Numbers of houses to be renewed by occupiers. |
| | 66. Houses may be set forward for improving line of street. |
| | 67. Commissioners may purchase houses or ground for effecting additional improvements. |
| | 68. Houses projecting beyond line of street, when taken down, to be set back. |
| | 69. Future projections of houses, &c. to be removed, on notice. |
| Improving Streets. | 70. Commissioners may cause existing projections to be removed, and compensation to be made. |
| | 71. Doors in future to be made to open inwards. |
| | 72. Doors opening outwards may be altered. |
| | 73. Coverings for cellar doors to be made by occupier.—Penalty for neglect. |
| | 74. Waterpouts to be affixed to houses or buildings. |
| | 75. Ruinous or dangerous buildings to be taken down or secured by owners, &c.—If owner, &c. neglect to repair, Commissioners may cause the same to be done, charging owner, &c. with the expense. |
| Ruinous or Dangerous Buildings. | 76. The expenses to be levied by distress on the owner. |
| | 77. If owner cannot be found Commissioners may take the house or ground, making compensation provided by 7 & 8 Vict. c. 18. |
| | 78. Commissioners may sell the materials, restoring to the owner the overplus arising from the sale. |
| | 79. Bars to be erected across streets while repairs or alterations are making, and lights placed at night. |
| Precautions during Repairs. | 80. Hoards to be set up during repairs. |
| | 81. Penalty for not lighting deposits of building materials or excavations. |
| | 82. Penalty for continuing deposits of building materials or excavations an unreasonable time. |
| | 83. Dangerous places to be repaired or inclosed. |
| | 84. Commissioners to give notice of new levels or sewers. |
| Objections to Works. | 85. Meeting of Commissioners to hear objections in the presence of the inspector. |
| | 86. Persons aggrieved by order of Commissioners may appeal to Quarter Sessions. |
| | 87. Commissioners to cause streets to be cleansed, and dust and ashes to be removed from the houses. |
| | 88. Occupiers to cause footways to be swept.—Penalty for neglect. |
| | 89. Commissioners may compound for sweeping footways. |
| | 90. Dust, &c. collected to be vested in the Commissioners. |
| | 91. Commissioners may provide land, &c. for deposit of soil and materials. |
| Cleansing Streets. | 92. Dust boxes to be erected by Commissioners. |
| | 93. Commissioners may cause public conveniences to be erected. |
| | 94. Commissioners to cause streets to be watered, and wells, pumps, &c. to be provided. |
| | 95. Commissioners to appoint scavengers. |
| | 96. Penalty for obstructing scavengers. |
| | 97. Penalty on persons other than scavengers removing dirt. |
| | 98. Penalty for conveying offensive matter at improper times. |
| | 99. Stagnant pools of water and other annoyances to be removed. |
| | 100. Regulations to prevent accumulations of dung, &c. |
| | 101. On certificate of the officer of health, filth to be removed. |
| Nuisances. | 102. Houses to be whitewashed and purified, on certificate of officer of health, &c. |
| | 103. No interment in any grave without leaving two feet six inches clear of soil above the coffin. |
| | 104. Justices may order nuisances to be abated. |
| | 105. Penalty for disobedience of orders of Justices. |
| | 106. Commissioners to order costs of prosecutions to be paid out of the rates. |
| | 107. Act not to affect nuisances at common law. |
| Smoke. | 108. Fireplaces of factories, &c. to consume their own smoke. |
| Fire. | 109. Party walls to be carried up through the roof.—Walls of buildings and coverings of roofs to be made of incombustible materials. |
| | 110. Regulating construction of buildings intended as places for public meetings.—No person to begin to build until plan has been approved by Commissioners. |
| | 111. If Commissioners fail to signify their approval of plan within fourteen days, party may proceed to build. |
| Ventilation. | 112. Persons may appeal against determination of Commissioners. |
| | 113. Cellars in courts not to be occupied as dwellings after letting prohibited. |
| | 114. No cellars under the height of seven feet from the floor to the ceiling to be let as dwellings. |
| | 115. Penalty on letting such cellars as dwelling-places. |
| Lodging-houses. | 116. For the regulation and inspection of lodging-houses. |
| | 117. Commissioner to keep a register of lodging-house keepers, and make rules for promoting cleanliness and ventilation. |

- Lodging-houses.* 118. Penalty on lodging-house keepers not complying with the provisions of the Act.
- Lighting.* 119. Commissioners may contract for lighting the streets.
120. For ascertaining price to be paid for gas in case of dispute.
- Water.* 121. Power to Commissioners to construct public cisterns and pumps for supply of water to baths and washhouses.—Commissioners not to construct such new works without approval.
122. Commissioners may contract for supply of water.
123. For ascertaining price to be paid for water in case of dispute.
124. Commissioners to cause fire plugs, &c. to be provided and maintained.
- Slaughter-houses.* 125. Commissioners may license slaughter-houses, &c.
126. No new slaughter-houses in future to be erected without a licence.
127. Existing slaughter-houses, &c. to be registered.
128. Commissioners may make bye-laws for regulation of slaughter-houses, &c.
129. Justice may suspend licence of slaughter-houses, &c. in addition to penalty imposed.
130. Penalty for slaughtering cattle during suspension of licences, &c.
131. Officers may enter and inspect slaughter-houses, &c.
132. As to certain matters authorized to be done by the Commissioners by special order only.
133. Final resolution not to be carried into effect for one month, nor then if a majority of the rate-payers remonstrate against the same.
- Special Order.* 134. Commissioners may purchase slaughter-houses, &c.;
135. And places for public recreation.
136. Public bathing places and drying grounds.
137. Proportion of baths for the working classes.
138. Charges for the use of baths.
139. Recovery of charges for the use of baths, &c.
140. Publication of bye-laws in regard to baths, &c.
141. Sale of baths, &c. on discontinuing them.
142. Application to be made to Parliament if additional powers necessary.
- Clocks.* 143. Power to Commissioners to provide public clocks.
- Execution of Works by Commissioners.* 144. Commissioners empowered to enter upon lands for the purposes of this Act.
145. Penalty on Persons obstructing Commissioners in their duty.
146. As to service of notices on owners and occupiers of buildings and lands.
147. Commissioners, in default of owner or occupier, may execute works and recover expenses.
148. Occupier, in default of owner, may execute works and deduct expenses from his rent.
149. How expenses are to be recovered from owner.
- Execution of Works by Owners.* 150. Power to levy charges on occupier, who may deduct the same from his rent.
151. Occupier not to be liable for more than the amount of rent due.
152. Commissioners may allow time for repayment by owners of improvement expenses.
153. Proceedings in case of tenants opposing the execution of this Act.
154. Respecting existing contracts for building.
155. Respecting contracts for leases.
156. As to the recovery of private improvement expenses.
157. Where new sewers are made Commissioners may make special sewer rates.
158. Commissioners to make a general sewer rate distinct from other rates.
159. Commissioners may borrow money by mortgage of sewer rates.
160. Sewer rate to be of such amount as to pay off monies borrowed thereon in thirty years.
161. Cases where rates may be charged upon separate and distinct districts.
162. Rates to be levied on separate and distinct districts.
163. Drainage rates.
164. Occupiers may deduct a proportion of drainage rates from their rent.
165. Landlords being also tenants, may deduct proportion of drainage rate from their rent.
166. Limitation of expenditure for house drains, &c.
- Rates.* 167. Rates to be levied on persons holding, using, or occupying houses, &c.—Proportion to be paid by holders of lands, nursery grounds, &c.
168. Exemptions from rates.
169. Rates may be prospective or retrospective.
170. Commissioners to cause estimates to be prepared before making a rate.
171. Notice of rate to be given.
172. Form of rate.
173. Rate to be open to inspection of rate-payers, who may take copies, &c.
174. Rates may be amended.
175. Value of property to be ascertained according to poor-rate.
176. If poor-rate an unfair criterion, a valuation to be made.
177. Person appointed a valuer to make a declaration before acting.
178. Poor-rate to be open to inspection by Commissioners.
179. Owner of property unoccupied to be assessed to the sewer-rate.
180. Unoccupied premises to be included in the rates; and if the premises are afterwards occupied, a portion of rates to be paid.

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| Rates. | { | 181. Owners of property not exceeding 10 <i>l.</i> per annum <i>net</i> annual value to pay rates instead of occupier. |
| | | 182. Not necessary to name the owner where unknown. |
| | | 183. Tenants under existing leases to repay the owner. |
| | | 184. Occupiers may be rated if they think fit. |
| Appeal. | { | 185. Persons aggrieved may appeal to petty sessions on the ground of incorrectness, &c. of valuation.— Their decision to be final unless appealed from to Quarter Sessions. |
| | | 186. Parties may appeal to the Quarter Sessions against a rate. |
| | | 187. Quarter Sessions to hear appeal, whose decision shall be final. |
| | | 188. No order of special sessions to be in force pending appeal. |
| | | 189. On appeal, the Quarter Sessions and petty sessions to have the same power of amending and quashing rates, and of awarding costs, as in appeals against poor-rates. |
| Recovery of Rates. | { | 190. Order of Justices not to be removed by certiorari. |
| | | 191. Rates to be recovered by distress. |
| | | 192. Form of warrant of distress.—Constables to assist in making distress. |
| | | 193. Rate-books to be evidence. |
| | | 194. Remedy against persons quitting before payment of rates. |
| | | 195. Rates to be apportioned on holder quitting. |
| | | 196. Rates due from owner may be recovered from occupier. |
| | | 197. Occupier not to be required to pay more than the amount of rent owing by him. |
| | | 198. Occupier refusing to give name of owner liable to a penalty. |
| | | 199. Surveyors of highways may proceed for the recovery of arrears of highway rates. |
| Bye-Laws. | { | 200. Bye-laws. |
| | | 201. Bye-laws may be enforced by the imposition of penalties. |
| | | 202. Bye-laws to be confirmed. |
| | | 203. Notice of confirmation to be given. |
| | | 204. A copy of proposed bye-laws to be open to inspection. |
| | | 205. Publication of bye-laws. |
| | | 206. Bye-laws to be binding on all parties. |
| | | 207. Evidence of bye-laws. |
| | | 208. Penalty on pulling down boards. |
| | | 209. Tender of amends. |
| Recovery of Damages and Penalties. | { | 210. Clauses of 8 & 9 Vict. c. 20. as to recovery of damages and penalties incorporated with this and special Act, &c. |
| | | 211. In Ireland part of penalties to be paid to guardians of unions. |
| | | 212. Things required to be done by two Justices may, in certain cases, be done by one. |
| Access to special Act. | { | 213. Persons giving false evidence liable to penalties of perjury. |
| | | 214. Copies of special Act to be kept by Commissioners at their office, and deposited with the clerks of the peace, &c., and be open to inspection. |
| | | 215. Penalty on Commissioners failing to keep or deposit such copies. |
| | | 216. Act may be amended, &c. |

By this Act,

After reciting that it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament for paving, draining, cleansing, lighting, and improving towns and populous districts, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such towns or districts as for insuring greater uniformity in the provisions themselves:—

It is Enacted,

I. That this Act shall extend only to such towns or districts in England or Ireland as shall be comprised in any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith; and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the town or district which shall be comprised in such Act, and to the Commissioners appointed for improving and regulating the same, so far as such clauses shall be applicable thereto respectively, and shall, with the clauses of every other Act which shall be incorporated therewith, form part of such Act, and be construed therewith as forming one Act.

And with respect to the construction of this Act, whether incorporated in whole or in part with any other Act, and of any Act incorporated therewith, it is enacted as follows:—

II. The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed for the improvement or regulation of any town or district, or of any class of towns or districts defined or comprised therein, and with which this Act shall be incorporated; and the word “prescribed” used in this Act in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if, instead of the word “prescribed,” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the Commissioners” shall mean the Commissioners, trustees, or other persons or body corporate intrusted by the special Act with powers for executing the purposes thereof.

III. The following words and expressions in both this and the special Act, and any Act incorporated therewith, shall have

the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say.)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number :

Words importing the masculine gender shall include females :

The word "person" shall include a corporation, whether aggregate or sole :

The word "lands" shall include messuages, lands, tenements, and hereditaments of any tenure :

The word "street" shall extend to and include any road, square, court, alley, and thoroughfare within the limits of the special Act :

The word "month" shall mean calendar month :

The expression "superior courts" shall mean Her Majesty's superior courts of record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the County Palatine of Lancaster, and the Court of Pleas of the County of Durham :

The word "oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath :

The word "county" shall include riding or other division of a county having a separate commission of the peace, and shall also include county of a city or county of a town :

The word "Justice" shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises ; and where any matter is authorized or required to be done by two Justices, the expression "two Justices" shall be understood to mean two or more Justices met and acting together :

The expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act, and if such expression be not there defined shall mean the Court of General or Quarter Sessions of the Peace which shall be held in or at the place nearest to the district in which the matter arises requiring the cognizance of any such Court, and having jurisdiction over such district :

The word "owner," used with reference to any lands or buildings in respect of which any work is required to be done, or any rate to be paid, under this or the special Act, shall mean the person for the time being entitled to receive, or who, if such lands or buildings were let to a tenant at rack rent, would be entitled to receive, the rack rent from the occupier thereof :

The word "cattle" shall include horses, asses, mules, sheep, goats, and swine.

And with respect to citing this Act, or any part thereof, it is enacted as follows :—

iv. In citing this Act in other Acts of Parliament, and in legal instruments, it shall be enough to use the expression "The Towns Improvement Clauses Act, 1847."

v. For the purpose of incorporating part only of this Act with any Act hereafter to be passed, it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act, with the exception of the clauses so described, shall be incorporated with such Act ; and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

And with respect to the officers to be appointed by the Commissioners or under any general town improvement Act, it is enacted as follows :—

vi. When by this or the special Act any matter is required to be submitted to, or to be done with the approval of, the inspector, such inspector shall be understood to mean an inspector appointed under any general Act passed in this or any future session of Parliament authorizing the appointment of inspectors for inspecting or superintending works connected with paving, draining, or improving towns or populous districts ; and until such an officer is appointed under any such general Act, the Commissioners, unless it be otherwise provided by the special Act, may proceed in the execution of this and the special Act without the approval of such officer, and as if no such officer had been mentioned in this or in the special Act.

vii. The Commissioners shall appoint, subject to the prescribed approval, or where no approval is prescribed, subject to approval by one of Her Majesty's principal Secretaries of State, a person, duly qualified, to act as a local surveyor of the paving, drainage, and other works authorized under the provisions of this and the special Act, and of any Act to be incorporated therewith, and, with the like approval, shall fix the salary to be paid to such surveyor, and shall pay such salary out of the rates levied under this or the special Act ; and if any such surveyor die, resign, or be removed, the Commissioners shall, with the like approval, appoint another person, so duly qualified, in the room of the surveyor so dying, resigning, or removed ; and the Commissioners, with the like approval, may remove any such surveyor.

viii. Every such surveyor upon his appointment, and before he enters upon the duties of his office, shall make and subscribe before the chairman of the Commissioners a declaration to the effect following ; (that is to say,)

'I A. B., the Surveyor of the Town [or District] of [here name the Town or District] under the [here name the special Act], do declare, That I will diligently, faithfully, and impartially perform the Duties of my Office, and to the utmost of my Power, Skill, and Ability endeavour to cause the several Provisions of the said Act, and of the Towns Improvement Clauses Act, 1847, to be strictly observed, and that without Favour or Affection, Prejudice or Malice, to any person whomsoever.'

ix. The Commissioners shall appoint some person, by the title of "Inspector of Nuisances," to superintend and enforce the due execution of all duties to be performed by the scavengers appointed under this or the special Act, and to report to the Commissioners any breach of the provisions of this or the special Act, or of any Act incorporated therewith, or of the bye-laws, rules, and regulations of the Commissioners, and the existence of any nuisances within the limits of the special Act ; and the Commissioners shall duly publish the name of any inspector of nuisances appointed by them, and shall require him to provide and keep

a book in which shall be entered all reasonable complaints made by any householder of the district within the limits of the special Act of any breach of the provisions of this or the special Act, or of any Act incorporated therewith, or of the bye-laws, rules, and regulations made by the Commissioners for the preservation of due order and cleanliness or for the suppression of nuisances; and the inspector of nuisances shall forthwith inquire into the truth of such complaints, and report upon the same to the Commissioners at their next meeting; and such report and the order of the Commissioners thereon shall be entered in the said book, which shall be kept at the office of the Commissioners, and shall be open at all reasonable times to the inspection of any inhabitant of the said district or other person interested; and it shall be the duty of such inspector of nuisances, subject to the direction of the Commissioners, to make complaints before Justices, and take legal proceedings for the punishment of any person who has committed any offence under this or the special Act, or under any bye-laws made by virtue thereof.

x. The Commissioners may, if they think fit, appoint the same person to be both surveyor and inspector of nuisances.

xi. The Commissioners shall provide offices for the use of the said surveyor and inspector in some convenient place within the limits of the special Act, either in connexion with their own office or otherwise, as may be most convenient, and shall cause due notice thereof to be given twice at the least in some newspaper circulating within the said limits.

xii. The Commissioners may, if they think fit, appoint, subject to the prescribed approval, or, where no approval is prescribed, subject to the approval of one of Her Majesty's Principal Secretaries of State, a person of competent skill and experience, who shall be styled "The Officer of Health," whose duty it shall be to ascertain the existence of diseases within the limits of the special Act, especially epidemics and contagious diseases, and to point out any nuisances or other local causes likely to cause and continue such diseases, or otherwise injure the health of the inhabitants, and to point out the best means for checking or preventing the spread of such diseases within the limits aforesaid, and also the best means for the ventilation of churches, chapels, schools, registered lodging houses, and other public buildings within the limits aforesaid, and from time to time as required by the Commissioners to report to them upon the matters aforesaid, and to perform any other duties of a like nature which may be required of him; and the Commissioners, with the same approval which is necessary for the appointment of the officer of health, shall fix the salary to be paid to such officer, and shall pay such salary out of the rates to be levied under this or the special Act; and the Commissioners, with the like approval, may discontinue such office, or remove any such officer of health.

And with respect to plans of the district within the limits of the special Act, and of the works to be executed under the powers of this and the special Act, it is enacted as follows :—

xiii. The Commissioners shall, as soon as conveniently may be after the passing of the special Act, procure or cause to be made a survey and map of the district within the limits of the special Act on a scale of not less than sixty inches to a mile, and shall cause to be marked thereon the course of all the existing sewers and drains belonging to them or under their care or management, and, as far as can be ascertained, the lines of pipes or conduits for the collection and distribution of water, the course of the pipes for the distribution of gas, and such other works, with such other particulars as may be necessary in order to shew the underground works within the said district, and shall cause the said map to be from time to time corrected, and such additions to be made thereto as may shew the sewers and drains for the time being belonging to the Commissioners, and such other pipes and underground works as aforesaid; such map and plan, or a copy thereof, with the date expressed thereon of the last time when it was so corrected, shall be kept in the office of the Commissioners, and shall be open at all reasonable hours to the inspection of the owners or occupiers of any lands within such district.

xiv. The principal officers of Her Majesty's Ordnance may, if they think fit, on the application of the Commissioners, and at their expense, furnish for the use of the said Commissioners one or more copies of any map of such district, or any part thereof, which shall have been made under the direction of the said Ordnance officers, or may cause a survey to be made of the said district on a scale of not less than sixty inches to the mile by surveying officers appointed by them for such remuneration as shall previously be agreed upon between the said principal officers and the Commissioners.

xv. The Commissioners shall cause to be marked on the map so procured or caused to be made by them a series of marks and figures at convenient distances on the said map, denoting the height of the ground at every such mark above or below the level of a particular spot within the limits of the special Act, which may be easily found and identified, the position of which spot shall be described on the map, and shall also cause to be drawn, wherever practicable, lines of equal altitude at every four feet of elevation, or at such other intervals as may appear, upon due inquiry, to be the best adapted for the guidance of works of sewerage and drainage, for the collection and distribution of water, and for other purposes within such district for which a knowledge of the levels of the district may be necessary, and shall also cause proper bench marks for denoting the levels to be inscribed and marked at convenient distances and places, at the corners of streets, on posts, houses, or other prominent objects within such district.

xvi. The Commissioners may cause every such plan to be copied, engraved, or printed and coloured in such manner as appears to them most convenient, and may defray the costs of any surveys and maps made under their direction, and any costs incurred by them in regard to any such Ordnance map, out of the rates authorized to be levied under this and the special Act.

xvii. The Commissioners shall cause their surveyor to prepare plans of any new works, and additions to or alterations of existing works, that may be required for the effectual drainage of the houses and streets within such district, including provision for properly trapped drains or channels for the removal of all waste water and refuse from the houses and from the surface of the streets, and also to draw on such plans the lines that appear to him most advantageous for main sewers, and the best outfalls for clearing the whole district of surface moisture, and effecting the drainage of the subsoil, and to point out the most appropriate means and sites for the collection and sale of filth and refuse for agricultural or other purposes, and also to set forth any other matters which may assist the Commissioners in carrying into execution, in an economical and effective manner the several works required to be carried into execution under the provisions of this and the special Act, or which appear to be necessary for the health and convenience of the inhabitants of such district.

XVIII. Before giving notice of their intention to construct any work of which by this or the special Act they are required to give notice, the Commissioners shall cause plans of the intended work to be made, under the direction of their surveyor, on a scale not less for a horizontal plan than one inch to eighty-eight feet, and for a vertical section not less than one inch to two feet, and in the case of a sewer, shewing the depth of such sewer below the surface of the ground; and such plans shall be deposited in the office of the Commissioners, or some other convenient place appointed for that purpose, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time for which such notice is required to be given.

And with respect to taking lands and the compensation to be made by the Commissioners for damage done by them in execution of the powers of this and the special Act, it is enacted as follows:—

XIX. Where by this or the special Act the Commissioners shall be empowered to take or use for the purposes thereof any lands otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the powers so given, be subject to the provisions and restrictions contained in this Act, and in the Lands Clauses Consolidation Act, 1845; and the Commissioners shall make to the owners and occupiers of and all other parties interested in any such lands taken or used for the purposes of this or the special Act full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties by reason of the exercise, as regards such lands, of the powers vested in the Commissioners by this or the special Act, or any Act incorporated therewith; and except where otherwise provided by this or the special Act, the amount of such compensation shall be determined in the manner provided by the said Lands Clauses Consolidation Act for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the last-mentioned Act shall be applicable to determine the amount of any such compensation, and to enforce the payment or other satisfaction thereof.

XX. If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, mentioned in any Schedule to the special Act, the Commissioners, after giving ten days' notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply to two Justices for the correction thereof; and if it appear to such Justices that such omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate with the other documents to which it relates, shall be deposited with the clerk of the peace of the county in which the lands affected thereby are situated, and such certificate shall be kept by such clerk of the peace with the other documents to which it relates, and thereupon such Schedule shall be deemed to be corrected according to such certificate; and the Commissioners may take any lands in accordance with such certificate as if such omission, mis-statement, or wrong description had not been made.

XXI. The Commissioners shall make good all damage to any buildings or land by reason of altering the level of any street, or otherwise carrying into execution any of the powers of this or the special Act, or of any Act incorporated therewith, and shall pay to the owners, lessees, and occupiers of any such buildings or lands respectively such amount of compensation for such injury as shall be agreed upon between such owners, lessees, and occupiers and the Commissioners; and if such owners, lessees, and occupiers and the Commissioners cannot agree as to the amount of such compensation, and the proportions thereof to be paid to such owners, lessees, and occupiers respectively, then the amount of such compensation, and also the proportions which the persons claiming the same are entitled to, shall be determined in the manner provided by the Lands Clauses Consolidation Act, 1845, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of the last-mentioned Act shall be applicable to determine the amount of any such compensation, and to enforce payment or other satisfaction thereof.

And with respect to making and maintaining the public sewers, it is enacted as follows:—

XXII. All public sewers and drains within the limits of the special Act, and all sewers and drains in and under the streets, with all the works and materials thereunto belonging, whether made at the time of the passing of the special Act, or at any time thereafter, and whether made at the cost of the Commissioners or otherwise, and the entire management of the same shall vest in and belong to the Commissioners.

XXIII. The Commissioners shall from time to time, subject to the approval of the inspector, divide the whole town or district within the limits of the special Act, if and as occasion shall require, into separate drainage districts, having regard in such division to the nature of the ground, to the main lines of sewers by which such separate drainage districts are or shall be drained, and to the equal benefit as far as may be of all the lands and buildings to be comprised in any such drainage district, and shall cause their surveyor to define and describe the several drainage districts on a plan of the town or district within the limits of the special Act to be made as aforesaid.

XXIV. The Commissioners shall from time to time subject to the restrictions herein contained as to the notice to be given, and the plans and estimates to be prepared, cause to be made under the streets such main and other sewers as shall be necessary for the effectual draining of the town or district within the limits of the special Act, and also all such reservoirs, sluices, engines, and other works as shall be necessary for cleansing such sewers, and, if needful, they may carry such sewers through and across all underground cellars and vaults under any of the streets, doing as little damage as may be, and making full compensation for any damage done; and if for completing any of the aforesaid works it be found necessary to carry them into or through any inclosed or other lands, the Commissioners may carry the same into or through such lands accordingly, making full compensation to the owners and occupiers thereof, and they may also cause such sewers to communicate with and empty themselves into the sea or any public river, or they may cause the refuse from such sewers to be conveyed by a proper channel to the most convenient site for its collection and sale for agricultural or other purposes as may be deemed most expedient, but so that the same shall in no case become a nuisance.

xxv. The Commissioners may from time to time, as they see fit, enlarge, alter, arch over, and otherwise improve all or any of the sewers vested in them, and if any of such sewers at any time appear to them to have become useless, the Commissioners, if they think fit to do so, may demolish and discontinue such sewer, provided that it be so done as not to create a nuisance.

xxvi. If any person, by means of any enlargement, alteration, or discontinuance of any sewer or other proceeding of the Commissioners, be deprived of the use of any sewer or drain which such person was theretofore lawfully entitled to use, the Commissioners shall provide some other sewer or drain equally effectual for such purpose; and if the Commissioners refuse or do not within seven days next after notice in writing served upon them begin and thereupon diligently proceed to restore to its former effective state such drain or sewer, the use whereof has been affected by the acts of the Commissioners, or to provide such other sewer or drain as aforesaid, they shall forfeit to the person aggrieved any sum not exceeding 40s. for every day after the expiration of such seven days during which he is deprived of the use of the drain or sewer to which he was so entitled, and is not provided with such other drain or sewer as aforesaid.

xxvii. Before entering into any contract for executing any such work as aforesaid the Commissioners shall procure from their surveyor an estimate of the probable expense of constructing the same in a substantial manner, and of the yearly expense of maintaining the same in repair, and each surveyor shall accompany such estimate with a report as to the most advantageous mode of constructing such work, whether under a contract for constructing the same merely, or a contract for constructing the same and maintaining it in repair during a given term of years; and the Commissioners shall submit the plan and estimate of every such work, together with the report of their surveyor, to the inspector, who shall make in writing such observations or suggestions thereupon as may seem to him to be expedient; and if the Commissioners do not regard or do not act in conformity with such observations or suggestions, they shall enter upon the minutes of their proceedings their reasons for not so doing.

xxviii. The expense of making any new sewer shall be defrayed as hereinafter provided by special sewer rates to be levied on the occupiers of all lands and buildings within the drainage district in which such sewer is situated: Provided always, that where in the judgment of the Commissioners, and by allowance of the inspector, any lands or buildings were sufficiently drained before the making of such new sewer, the occupiers thereof shall be entitled to have such deduction made from the special sewer rates to which they would otherwise be liable in respect of the making of such new sewer, and for such time as the Commissioners, with the approval of the inspector, shall deem to be just, having regard to the cost of making such new sewer, and to the value and efficiency of such old sewer; and whenever any old sewer is enlarged, or open sewer closed, the expense of such enlargement, or of closing such open sewer, shall be defrayed in like manner as if it had been incurred in making a new sewer.

xxix. The expense of maintaining and cleaning all sewers vested in the Commissioners, and all other expenses connected with such sewers not hereinbefore provided for, or which may not be fully defrayed by the special sewer rates, shall be defrayed by general sewer rates to be levied as hereinafter provided on the occupiers of all lands and buildings within the drainage district in which such sewers are severally situated.

xxx. Every person, not being employed for that purpose by the Commissioners, who shall make any drain into any of the sewers or drains so vested in the Commissioners shall forfeit to the Commissioners a sum not exceeding 5*l.*, and the Commissioners may cause such branch drain to be re-made as they think fit, and all the expense incurred thereby shall be paid by the person making such branch drain, and shall be recoverable by the Commissioners as damages.

xxxi. No building shall be erected over any sewer belonging to the Commissioners, and no vault, arch, or cellar shall be made under the carriage-way of any street, without the consent of the Commissioners first obtained in writing, and all such vaults, arches, and cellars shall be substantially made, and so as not to interfere or communicate with any sewers belonging to the Commissioners; and if after the passing of the special Act any building be erected, or any vault, arch, or cellar be made, contrary to the provisions herein contained, the Commissioners may demolish or fill up the same, and the expenses incurred thereby shall be paid by the person erecting such building, or making such vault, arch, or cellar, and shall be recoverable as damages.

xxxii. The Commissioners may stop any street, and prevent all persons from passing along and using the same, for a reasonable time during the construction, alteration, repair, or demolition of any sewer or drain in or under such street.

xxxiii. All sewers and drains within the limits of the special Act, whether public or private, shall be provided by the Commissioners or other persons to whom they severally belong with proper traps or other coverings or means of ventilation so as to prevent stench.

xxxiv. Any person, being the owner or occupier of any lands beyond the limits of the special Act, and in respect of which he would not be liable to the payment of the rates authorized to be levied under this and the special Act, may, with the consent of the Commissioners first obtained in writing, upon payment to them of a reasonable sum of money to be agreed upon between them, at his own expense, and under the superintendence of the surveyor of the Commissioners, cause to branch into and to communicate with any of the sewers belonging to the Commissioners any sewer or drain in respect of the said property which may be lawfully made therefrom of such size and in such manner and form of communication as the Commissioners approve of: Provided always, that nothing in this or the special Act contained shall affect any right theretofore acquired by such owner or occupier to use any of the sewers or drains belonging to the Commissioners under the provisions of this or the special Act.

And with respect to the drainage of houses, it is enacted as follows:—

xxxv. If any house or building within the limits of the special Act be at any time not drained by a sufficient drain or pipe communicating with some sewer, or with the sea or some public river, to the satisfaction of the Commissioners, and if there shall be such means of drainage within one hundred feet of any part of such house or building the Commissioners shall construct or lay from such house or building a covered drain or pipe of such materials, of such size, at such level, and with such fall, as they think necessary for the drainage of such house or building, its areas, water-closets, privies, and offices; provided that the cost of executing such work shall not, without the written consent of the owner, exceed one year's rack rent of such house or building; and the expenses incurred by the Commissioners in respect thereof, if not forthwith paid by the owner or occupier, shall be defrayed by the drainage rates hereinafter mentioned.

xxxvi. No house or building within the limits of the special Act shall be built upon a lower level than will allow of the drainage of the wash and refuse of such house or building into some sewer belonging to the Commissioners either then existing or marked out upon the map hereinbefore directed to be made by them, or into the sea, or some public river into which the Commissioners are empowered to empty their sewers; and if there be such means of drainage existing within one hundred feet of such intended house or building, the Commissioners shall cause a drain leading thereunto from the intended site of such house to be made of such materials, of such size, at such level, and with such fall, as they think fit, or if there be no such means of drainage within one hundred feet of any part of the said intended site of such house or building, then such drain shall be made so as to lead into such covered cesspool or other place as the Commissioners direct, not being under any dwelling house, and constructed to the satisfaction of the Commissioners, so as effectually to prevent the escape of the contents thereof, until such sewer as aforesaid is made by the Commissioners, when they shall make a drain to communicate with such new-made sewer, and shall demolish and fill up any such cesspool.

xxxvii. Whenever any house is rebuilt within the limits of the special Act, the level of the cellar or other lowest floor of such house shall be raised sufficiently to allow of the construction of such a drain as is hereinbefore provided in the case of houses to be built after the passing of the special Act; and whenever any house is taken down as low as the floor of the first story for the purpose of being built up again, such building shall be deemed a rebuilding within the meaning of this Act.

xxxviii. Before beginning to build any new house, or to rebuild any existing house, within the limits of the special Act, the person intending to build or rebuild such house shall give to the Commissioners notice thereof in writing, and shall accompany such notice with a plan shewing the level at which the foundation of such house is proposed to be laid by reference to some level ascertained under the direction of the Commissioners.

xxxix. Within fourteen days after receiving such notice the Commissioners may signify their disapproval of the level at which it is proposed to lay the foundation of any such house, and in case of such disapproval may within the said fourteen days, fix the level at which the same is to be laid, subject to such right of appeal as is hereinafter mentioned.

xl. In default of sending such notice and plan, or if such building be begun or made at any level different from that fixed by the Commissioners within the said fourteen days, or determined on appeal as after mentioned, or in any other respect contrary to the provisions of this or the special Act, the Commissioners may, if necessary, cause such building to be altered or demolished, as the case requires, and the expense incurred by the Commissioners in respect thereof shall be repaid to them by the person failing to comply with the provision aforesaid, and shall be recoverable as damages.

xli. Provided always, That if the Commissioners fail to signify in writing their approval or disapproval of the level shewn on such plan as aforesaid within fourteen days after receiving such notice and plan as aforesaid, the person giving such notice may notwithstanding anything hereinbefore contained, proceed to build or rebuild the house therein referred to according to the level shewn on such plan, provided that such building or rebuilding be otherwise in accordance with the provisions of this and the special Act.

xlii. The Commissioners shall require the owner of every house within the said limits to which no sufficient privy and ashpit, with proper door and coverings, is attached, to provide, where it appears to them that there is room enough for the purpose, such privy and ashpit in such situation, not disturbing any building then already erected, as the Commissioners deem necessary for the use of the inmates and occupiers thereof; and every such privy and ashpit shall be constructed to the satisfaction of the Commissioners, so as effectually to prevent the escape of the contents thereof: Provided always, that where a privy and ashpit is used in common by the inmates and occupiers of two or more such houses, the Commissioners may, if they think fit, dispense with the provision of a privy and ashpit for each such house.

xliii. The owner of any such house shall provide the same with a privy, with such door and covering to the same, and with such ashpit as aforesaid, to the satisfaction of the Commissioners, within one month next after notice in writing for that purpose given by the Commissioners to him or to the occupier of such house, and in default thereof the Commissioners shall cause such privy and ashpit to be provided, so nevertheless that the cost of executing such work shall not, without the written consent of the owner, exceed one year's rack rent of such house or building; and the expense incurred thereby shall be defrayed by the drainage rates hereinafter mentioned.

xliv. All branch drains as well within as without the lands or buildings to which they belong, and all privies, ashpits, and cesspools within the limits of the special Act, shall be under the survey and controul of the Commissioners, and shall be altered, repaired, and kept in proper order at the costs and charges of the owners of the lands and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner and occupier of any land or buildings to which any such drain, privy, ashpit, or cesspool belongs neglect, during fourteen days after notice in writing for that purpose, to alter, repair, and to put the same into good order in the manner required by the Commissioners, the Commissioners may cause such drain, privy, ashpit, or cesspool to be altered, repaired, covered, and put in good order; and the expense incurred by the Commissioners in respect thereof shall be repaid to them by the owners by whom the same ought to have been done, and shall be recoverable as damages.

xlv. The surveyor of the Commissioners may inspect any drain, privy, ashpit, or cesspool within the limits of the special Act, and for that purpose, at all reasonable times in the daytime, after twenty-four hours' notice in writing to the occupier of the premises to which such drain, privy, ashpit or cesspool is attached, may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened where he thinks fit, doing as little damage as may be; and if such drain, privy, ashpit, or cesspool be found to be in proper order and condition, he shall cause the ground to be closed and made good as soon as may be; and the expenses of opening, closing, and making good such drain, privy, ashpit, or cesspool shall in that case be defrayed by the Commissioners.

xlvi. If any such drain, privy, or cesspool be on inspection found to have been constructed, after the passing of the special Act, contrary to the directions and regulations of the Commissioners, or contrary to the provisions of this or the special Act, or if any person, without the consent of the Commissioners, construct, rebuild, or unstop any drain, privy, or cesspool which has

been ordered by them to be demolished or stopped up or not to be made, every person so doing shall be liable to a penalty not exceeding 5*l.*; and the Commissioners may cause such amendment or alteration to be made in any such drain, privy, or cesspool as they think fit; and the expense attending any such amendment or alteration shall be paid by the person by whom such sewer was improperly constructed, rebuilt, or altered, and shall be recoverable from him as damages.

And with respect to paving and maintaining the streets, it is enacted as follows:—

XLVII. The management of all the streets which at the passing of the special Act are or which thereafter become public highways, and the pavements and other materials, as well in the footways as carriageways, of such streets, and all buildings, materials, implements, and other things provided for the purposes of the said highways, by the surveyors of highways or by the Commissioners, shall belong to the Commissioners.

XLVIII. The Commissioners, and none other, shall be the surveyors of all highways within the limits of the special Act, and within those limits shall have all such powers and authorities, and be subject to all such liabilities, as any surveyors of highways are invested with or subject to by virtue of the laws for the time being in force; and the inhabitants of the district within the said limits shall not, in respect of any lands situate within the said district, be liable to the payment of any highway rate, grand jury cess, or other payment in respect of making and repairing roads within the other parts of the parish, township, barony, or place in which the said district or any part thereof is situate.

XLIX. The Commissioners shall be deemed guilty of a misdemeanour for refusing or neglecting to repair any public highway within the limits of the special Act, and shall be liable to be indicted for such misdemeanour in the same manner as the inhabitants thereof, or of any parish, township, or other district therein, were liable before the passing of the special Act.

L. The trustees of any turnpike road shall not collect any toll on any road within the limits of the special Act, or lay out any money thereon.

LI. The Commissioners may from time to time cause all or any of the streets under their management, or any part thereof respectively, to be paved, flagged, or otherwise made good, and the ground or soil thereof to be raised, lowered, or altered, in such manner and with such materials as they think fit; and they may also pave or make, with such materials as they think fit, any footways for the use of passengers in any such street, and cause such streets and footways to be repaired from time to time.

LII. The Commissioners shall from time to time place such fences and posts on the side of the footways of the streets under their management as may be needed for the protection of passengers on such footways, and they may place posts in the carriageways of such streets, so as to make the crossing thereof less dangerous for foot passengers; and they shall from time to time repair any such fences or posts, or remove the same, or any obstructions to any such carriageway or footway, as they think fit.

LIII. If any street, although a public highway at the passing of the special Act, have not theretofore been well and sufficiently paved and flagged or otherwise made good, the Commissioners may cause such street, or the parts thereof not so paved and flagged or otherwise made good, to be paved and flagged or otherwise made good, in such manner as they think fit, and the expenses incurred by the Commissioners in respect thereof shall be repaid to them by the occupiers of the lands abutting on such street, or such parts thereof as have not been theretofore well and sufficiently paved and flagged or otherwise made good, and such expenses shall be recoverable from such occupiers respectively as hereinafter provided with respect to private improvement expenses, and thereafter such street shall be repaired by the Commissioners out of the rates levied under this or the special Act.

LIV. If any street, not being a public highway at the passing of the special Act, be then or thereafter paved, flagged, or otherwise made good, to the satisfaction of the Commissioners, then, on the application of the greater part in value of the occupiers of the houses and lands in such street, the Commissioners shall, by writing, under their common seal if they be incorporated, or, if they be not incorporated, then under the hands of five of the Commissioners, declare the same to be a public highway, and thereupon the said street shall become a public highway, and shall be thereafter repaired by the Commissioners out of the rates levied under this and the special Act; and such declaration shall be entered among the proceedings of the Commissioners, and notice of such declaration shall be put up in some conspicuous place in or near such street.

LV. If any street, not being a public highway at the passing of the special Act, be thereafter to the extent of two third parts thereof paved and flagged or otherwise made good to the satisfaction of the Commissioners, then, on the application of the owners of the lands abutting on such parts of the said street as have been so made good, the Commissioners may require the owners of the buildings or lands abutting on the remainder of the said street to pave and flag or otherwise make good to the satisfaction of the Commissioners such remainder of the said street, or such parts thereof as front such last-mentioned buildings and lands, within a reasonable time, to be fixed by the Commissioners; and if such remainder of the said street, or any such part thereof as aforesaid, be not made good as aforesaid within the time so fixed, the Commissioners may cause the part not so made good to be made good, and the expenses which shall be incurred by the Commissioners in respect thereof shall be repaid to them by the owners by whom such paving ought to have been done respectively; and such expenses, if not forthwith repaid by such owners, shall be recoverable from the occupiers of such buildings and lands as hereinafter provided with respect to private improvement expenses; and when the whole of the said street is paved and made good to the satisfaction of the Commissioners they shall, by writing, under their common seal if they be incorporated, or, if they be not incorporated, then under the hands of five of the Commissioners, declare the same to be a public highway, and thereupon the said street shall become a public highway, and shall for ever afterwards be repaired by the Commissioners, and such declaration shall be entered among the proceedings of the Commissioners.

LVI. Every person who wilfully displaces, takes up, or makes any alteration in the pavement, flags, or other materials of any street under the management of the Commissioners, without their consent in writing, or without other lawful authority, shall be liable to a penalty not exceeding 5*l.* and also a further sum not exceeding 5*s.* for every square foot of the pavement, flags, or other materials of the street exceeding one square foot so displaced, taken up, or altered.

And with respect to laying out new streets, it is enacted as follows :—

LXVII. Every person who intends to make or lay out any new street shall give notice thereof to the Commissioners, in order that the level of such street may be fixed by the Commissioners.

LXVIII. The level of every new street shall be fixed under the direction of the surveyor of the Commissioners, subject to such right of appeal as hereafter mentioned; and the level so fixed, if not altered on appeal, shall be kept thereafter by every person raising any house or other building in such street.

LXIX. If the Commissioners do not fix such level within six weeks from the time of the delivery of such notice as aforesaid, unless the fixing of such level be delayed by the appeal hereinafter provided, the person giving such notice may proceed to lay out the street at any level which will allow of compliance with the other provisions of this and the special Act, as if such level had been fixed by the Commissioners; and in such case every change of the level which the Commissioners afterwards deem requisite, and the works consequent thereon, shall be made by the Commissioners, and the expense thereof, and any damage which any person sustains in consequence of such alterations, shall be defrayed by them.

LXX. Every person who makes or lays out any such new street as aforesaid, without causing such notice to be given to the Commissioners as aforesaid, shall be liable to defray all the expenses consequent upon any change of the level of the said street deemed requisite by the Commissioners; and every person who in building any house or other building in such street does not keep the level fixed by the Commissioners shall be liable to defray all the expenses consequent upon any change of the level of that part of the street on which such house or building abuts which the Commissioners deem requisite.

LXXI. For the purposes of this or the special Act, if the Commissioners deem it necessary to raise, sink, or otherwise alter the situation of any water-pipe or gas-pipe, or other waterworks or gasworks laid in any of the streets, they may from time to time, by notice in writing, require the person to whom any such pipes or works belong, to cause forthwith, as soon as conveniently may be, any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Commissioners direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing as freely and conveniently as before; and the expenses attending such raising, sinking, or altering, and full compensation for every damage done thereby, shall be paid by the Commissioners, as well to the person to whom such pipes or works belong as to all other persons.

LXXII. If the person to whom any such pipes or works belong do not proceed forthwith, or as soon as conveniently may be after the receipt of such notice, to cause the same to be raised, sunk, or altered, in such manner as the Commissioners require, the Commissioners may themselves cause such pipes or works to be raised, sunk or altered as they think fit; provided that such works be not permanently injured thereby, or the water or gas prevented from flowing as freely and conveniently as before.

LXXIII. It shall not be lawful to make or lay out any new street unless the same be of the prescribed width, or, where no width is prescribed, unless the same, being a carriage road, be at least thirty feet wide, or, not being a carriage road, be at least twenty feet wide.

And with respect to naming the streets and numbering the houses, it is enacted as follows :—

LXXIV. The Commissioners shall from time to time cause the houses and buildings in all or any of the streets to be marked with numbers as they think fit, and shall cause to be put up or painted on a conspicuous part of some house, building, or place at or near each end, corner, or entrance of every such street the name by which such street is to be known; and every person who destroys, pulls down, or defaces any such number or name, or puts up any number or name different from the number or name put up by the Commissioners, shall be liable to a penalty not exceeding 40s. for every such offence.

LXXV. The occupiers of houses and other buildings in the streets shall mark their houses with such numbers as the Commissioners approve of, and shall renew such numbers as often as they become obliterated or defaced; and every such occupier who fails, within one week after notice for that purpose from the Commissioners, to mark his house with a number approved of by the Commissioners, or to renew such number when obliterated, shall be liable to a penalty not exceeding 40s.; and the Commissioners shall cause such numbers to be marked or to be renewed, as the case may require, and the expense thereof shall be repaid to them by such occupier, and shall be recoverable as damages.

And with respect to improving the line of the streets, and removing obstructions, it is enacted as follows :—

LXXVI. The Commissioners may allow, upon such terms as they think fit, any building within the limits of the special Act to be set forward, for improving the line of the street in which such building, or any building adjacent thereto, is situated.

LXXVII. The Commissioners may agree with the owners of any lands within the limits of the special Act for the absolute purchase thereof, for the purpose of widening, enlarging, or otherwise improving any of the streets, and they shall re-sell any parts of the land so purchased which shall not be wanted for the enlargement of the street.

LXXVIII. When any house or building, any part of which projects beyond the regular line of the street, or beyond the front of the house or building on either side thereof, has been taken down in order to be rebuilt or altered, the Commissioners may require the same to be set backwards to or toward the line of the street, or the line of the adjoining houses or buildings, in such manner as the Commissioners direct, for the improvement of such street: Provided always, that the Commissioners shall make full compensation to the owner of any such house or building for any damage he thereby sustains.

LXXIX. The Commissioners may give notice to the occupier of any house or building to remove or alter any porch, shed, projecting window, step, cellar, cellar door or window, sign, signpost, signiron, showboard, window shutter, wall, gate, or fence, or any other obstruction or projection erected or placed, after the passing of the special Act, against or in front of any house or building within the limits of the special Act, and which is an obstruction to the safe and convenient passage along any street; and such occupier shall, within fourteen days after the service of such notice upon him, remove such obstruction, or alter the same in such

manner as shall have been directed by the Commissioners, and in default thereof shall be liable to a penalty not exceeding 40s. and the Commissioners in such case may remove such obstruction or projection, and the expense of such removal shall be paid by the occupier so making default, and shall be recoverable as damages: Provided always, that except in the case in which such obstructions or projections were made or put up by the occupier, such occupier shall be entitled to deduct the expense of removing the same from the rent payable by him to the owner of the house or building.

LXX. If any such obstructions or projections were erected or placed against or in front of any house or building in any such street before the passing of the special Act, the Commissioners may cause the same to be removed or altered as they think fit; provided that they give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such obstruction or projection shall be thirty days before such alteration or removal is begun, and, if such obstructions or projections shall have been lawfully made, they shall make reasonable compensation to every person who suffers damage by such removal or alteration.

LXXI. All doors, gates, and bars put up after the passing of the special Act within the limits thereof, and which open upon any street, shall be hung or placed so as not to open outwards, except when, in the case of public buildings, the Commissioners allow such doors, gates, or bars to be otherwise hung or placed; and if except as aforesaid, any such door, gate, or bar be hung or placed so as to open outwards on any street, the occupier of such house, building, yard, or land shall, within eight days after notice from the Commissioners to that effect, cause the same to be altered so as not to open outwards; and in case he neglect so to do, the Commissioners may make such alteration, and the expenses of such alteration shall be paid to the Commissioners by such occupier, and shall be recoverable from him as damages, and he shall, in addition, be liable to a penalty not exceeding 40s.

LXXII. If any such door, gate, or bar was before the passing of the special Act hung so as to open outwards upon any street, the Commissioners may alter the same, so that no part thereof when open shall project over any public way.

LXXIII. When any opening is made in any pavement or footpath within the limits of the special Act, as an entrance into any vault or cellar, a door or covering shall be made by the occupier of such vault or cellar, of iron or such other materials, and in such manner as the Commissioners direct, and such door or covering shall from time to time be kept in good repair by the occupier of such vault or cellar; and if such occupier do not within a reasonable time make such door or covering, or if he make any such door or covering contrary to the directions of the Commissioners, or if he do not keep the same when properly made in good repair, he shall for every such offence be liable to a penalty not exceeding 5l.

LXXIV. The occupier of every house or building in, adjoining, or near to any street shall, within seven days next after service of an order of the Commissioners for that purpose, put up and keep in good condition a shoot or trough of the whole length of such house or building, and shall connect the same either with a similar shoot on the adjoining house or with a pipe or trunk to be fixed to the front or side of such building from the roof to the ground, to carry the water from the roof thereof, in such manner that the water from such house, or any portico or projection therefrom, shall not fall upon the persons passing along the street, or flow over the footpath; and in default of compliance with any such order within the period aforesaid such occupier shall be liable to a penalty not exceeding 40s. for every day that he shall so make default.

And with respect to ruinous or dangerous buildings, it is enacted as follows:—

LXXV. If any building or wall, or any thing affixed thereon, within the limits of the special Act, be deemed by the surveyor of the Commissioners to be in a ruinous state, and dangerous to passengers or to the occupiers of the neighbouring buildings, such surveyor shall immediately cause a proper hoard or fence to be put up for the protection of passengers, and shall also cause notice in writing to be given to the owner of such building or wall, if he be known and resident within the said limits, and shall also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof, if any, requiring such owner or occupier forthwith to take down, secure, or repair such building, wall, or other thing, as the case shall require; and if such owner or occupier do not begin to repair, take down, or secure such building, wall, or other thing within the space of three days after any such notice has been so given or put up as aforesaid, and complete such repairs, or taking down or securing, as speedily as the nature of the case will admit, the said surveyor may make complaint thereof before two Justices, and it shall be lawful for such Justices to order the owner, or in his default the occupier (if any), of such building, wall, or other thing, to take down, rebuild, repair, or otherwise secure, to the satisfaction of such surveyor, the same, or such part thereof as appears to them to be in a dangerous state, within a time to be fixed by such Justices; and in case the same be not taken down, repaired, rebuilt, or otherwise secured within the time so limited, or if no owner or occupier can be found on whom to serve such order, the Commissioners shall with all convenient speed cause all or so much of such building, wall, or other thing as shall be in a ruinous condition, and dangerous as aforesaid, to be taken down, repaired, rebuilt, or otherwise secured in such manner as shall be requisite; and all the expenses of putting up every such fence, and of taking down, repairing, rebuilding, or securing such building, wall, or other thing, shall be paid by the owner thereof.

LXXVI. If such owner can be found within the limits of the special Act, and if, on demand of the expenses aforesaid, he neglect or refuse to pay the same, then such expenses may be levied by distress, and any Justice may issue his warrant accordingly.

LXXVII. If such owner cannot be found within the said limits, or sufficient distress of his goods and chattels within the said limits cannot be made, the Commissioners, after giving twenty-eight day's notice of their intention to do so, by posting a printed or written notice in a conspicuous place on such building, or on the land whereon such building stood, may take such building or land, provided that such expenses be not paid or tendered to them within the said twenty-eight days, making compensation to the owner of such building or land in the manner provided by the Lands Clauses Consolidation Act, 1845, in the case of lands taken otherwise than with the consent of the owners and occupiers thereof, and the Commissioners shall be entitled to deduct out of such compensation the amount of the expenses aforesaid, and may thereupon sell or otherwise dispose of the said building or land for the purposes of this Act.

LXXVIII. If any such house or building as aforesaid, or any part of the same, be pulled down by virtue of the powers aforesaid, the Commissioners may sell the materials thereof, or so much of the same as shall be pulled down, and apply the proceeds

of such sale in payment of the expenses incurred in respect of such house or building; and the Commissioners shall restore any overplus arising from such sale to the owner of such house or building, on demand; nevertheless, the Commissioners, although they sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale as are hereinbefore given to them for compelling the payment of the whole of the said expenses.

And with respect to precautions during the construction and repair of the sewers, streets, and houses, it is enacted as follows:—

LXXIX. The Commissioners shall, during the construction or repair of any of the streets vested in them, and during the construction or repair of any sewers or drains, take proper precaution for guarding against accident, by shoring up and protecting the adjoining houses, and shall cause such bars or chains to be fixed across or in any of the streets, to prevent the passage of carriages and horses while such works are carried on, as to them shall seem proper; and the Commissioners shall cause any sewer or drain or other works, during the construction or repair thereof by them, to be lighted and guarded during the night, so as to prevent accidents; and every person who takes down, alters, or removes any of the said bars or chains, or extinguishes any light, without the authority or consent of the Commissioners, shall for every such offence be liable to a penalty not exceeding 5*l*.

LXXX. Every person intending to build or take down any building within the limits of the special Act, or to cause the same to be so done, or to alter or repair the outward part of any such building, or to cause the same to be so done, where any street or footway will be obstructed or rendered inconvenient by means of such work, shall before beginning the same cause sufficient boards or fences to be put up, in order to separate the building where such works are being carried on from the street, with a convenient platform and handrail, if there be room enough, to serve as a footway for passengers, outside of such board or fence, and shall continue such board or fence, with such platform and handrail as aforesaid, standing and in good condition, to the satisfaction of the Commissioners, during such time as the public safety or convenience requires, and shall in all cases in which it is necessary, in order to prevent accidents, cause the same to be sufficiently lighted during the night; and every such person who fails to put up such fence or board, or platform with such handrail as aforesaid, or to continue the same respectively standing and in good condition as aforesaid during the time aforesaid, or who does not, while the said board or fence is standing, keep the same sufficiently lighted in the night, or who does not remove the same, when directed by the Commissioners, within a reasonable time afterwards, shall for every such offence be liable to a penalty not exceeding 5*l*., and a further penalty not exceeding 40*s*. for every day while such default is continued.

LXXXI. When any building materials, rubbish, or other things are laid, or any hole made, in any of the streets, whether the same be done by order of the Commissioners or not, the person causing such materials or other things to be so laid, or such hole to be made, shall at his own expense cause a sufficient light to be fixed in a proper place upon or near the same, and continue such light every night from sun-setting to sun-rising while such materials or hole remain; and such person shall, at his own expense, cause such materials or other things and such hole to be sufficiently fenced and inclosed until such materials or other things are removed or the hole filled up or otherwise made secure; and every such person who fails so to light, fence, or inclose such materials or other things, or such hole, shall for every such offence be liable to a penalty not exceeding 5*l*., and a further penalty not exceeding 40*s*. for every day while such default is continued.

LXXXII. In no case shall any such building materials or other things or such hole be allowed to remain for an unnecessary time, under a penalty not exceeding 5*l*. to be paid for every such offence by the person who causes such materials or other things to be laid or such hole to be made, and a further penalty not exceeding 40*s*. for every day during which such offence is continued after the conviction for such offence; and in any such case the proof that the time has not exceeded the necessary time shall be upon the person so causing such materials or other things to be laid, or causing such hole to be made.

LXXXIII. If any building or hole or any other place near any street be, for want of sufficient repair, protection, or inclosure, dangerous to the passengers along such street, the Commissioners shall cause the same to be repaired, protected, or inclosed, so as to prevent danger therefrom; and the expenses of such repair, protection, or inclosure shall be repaid to the Commissioners, by the owner of the premises so repaired, protected, or inclosed, and shall be recoverable from him as damages.

And with respect to objections to the works to be constructed by or subject to the approval of the Commissioners, it is enacted as follows:—

LXXXIV. Twenty-eight days at the least before fixing the level of any street which has not become a public highway, or any street which has not been heretofore levelled or paved, and before making any sewer where none was before, or altering the course or level of or abandoning or stopping any sewer, the Commissioners shall give notice of their intention by posting a printed or written notice in a conspicuous place at each end of every such street through or in which such work is to be undertaken, which notice shall set forth the name or situation of the street intended to be levelled or paved, and the names of the places through or near which it is intended that the new sewer shall pass, or the existing sewer be altered or stopped up, and also the places of the beginning and the end thereof, and shall refer to plans of such intended work, and shall specify a place where such plans may be seen, and a time when and place where all persons interested in such intended work may be heard thereupon; and they shall at the same time give to the inspector notice of the said intended work, and of the time and place appointed for hearing objections thereto.

LXXXV. The Commissioners shall meet at the time and place mentioned in the said notice, to consider, in the presence of the inspector, or of the surveyor of the Commissioners, any objections made against such intended work, and all persons interested therein, or likely to be aggrieved thereby, shall be entitled to be heard before the Commissioners at such meeting; and thereupon the Commissioners may, with the concurrence of the inspector, if any inspector has been appointed and is present at such meeting, or in the absence of the inspector, or if no inspector have been appointed, then in their discretion, abandon or make such alterations in the said intended work as they judge fit; and no such work to which any objection is made at such meeting at which any such inspector shall be present shall be executed unless the inspector, or if no inspector have been appointed, then unless the surveyor of the Commissioners, after the person making such objection or his agent has been heard,

certify that the work in his judgment ought to be executed, nor shall such work be begun until the end of seven days after an order for the execution thereof has been duly made by the Commissioners, and entered in their books.

LXXXVI. Any person liable to pay or to contribute towards the expense of any of the works aforesaid, or otherwise aggrieved by any order of the Commissioners relating thereto, may, at any time within seven days next after the making of any such order, give notice in writing to the Commissioners that he intends to appeal against such order to the Court of Quarter Sessions holden next after the expiration of ten days next after such notice, and along with such notice he shall give a statement in writing of the grounds of the appeal; and if within four days next after giving such notice the party enter into a recognizance before some Justice, with two sufficient sureties, conditioned to try the appeal, and abide the order of the Court, and pay such costs as shall be awarded by the Court thereupon, the work so appealed against shall not be begun until after the judgment of the Court upon such appeal; and such Court, upon due proof of such notice and of such recognizance having been given and entered into, shall hear and determine the matter of the appeal, and shall make such order thereon, either confirming, quashing, or varying the same, and shall award such costs to either of the parties, as the Court in its discretion thinks fit: Provided always, that the appellant shall not be heard in support of such appeal unless such notice and statement have been given and such recognizance entered into as aforesaid, nor on the hearing of such appeal shall he go into evidence of any other grounds of appeal than those set forth in such statement as aforesaid.

And with respect to cleansing the streets, it is enacted as follows:—

LXXXVII. The Commissioners shall cause all the streets, together with the foot pavements, from time to time to be properly swept and cleansed, and all dust and filth of every sort found thereon to be collected and removed, and shall cause all the dust, ashes, and rubbish to be carried away from the houses and tenements of the inhabitants of the town or district within the limits of the special Act, at convenient hours and times, and shall cause the privies and cesspools within the said town or district to be from time to time emptied and cleansed in a sufficient and proper manner: Provided always, that the occupier of any house or tenement within the limits of the special Act may keep and remove any such soil, ashes, or rubbish as shall be made on his own premises, and shall be kept for manure, so that the same be not a nuisance to the inhabitants residing near such premises, and that the same be removed at such times and in such manner as shall be approved of by the Commissioners.

LXXXVIII. The occupiers of buildings and lands within or adjoining the streets shall once in every day (Sundays excepted), before eight of the clock in the forenoon of each day, cause to be swept and cleansed the footways and pavements in front or at the side of their respective buildings and lands; and every such occupier making default herein shall for every such offence be liable to a penalty not exceeding 5s.; and for the purpose aforesaid, when any house shall be let in separate apartments, the person letting such apartments shall be deemed the occupier.

LXXXIX. The Commissioners may compound, for such time as they think fit, with any person liable to sweep or clean any footway under the provisions of this or the special Act, for sweeping and cleaning the same in the manner directed by this or the special Act.

xc. The dust and filth which the Commissioners shall cause to be collected from the streets, privies, sewers, and cesspools, and all the dust, ashes, and rubbish which the Commissioners shall cause to be collected and carried away from the houses or elsewhere within the said limits, shall be the property of the Commissioners, and the Commissioners shall have power to sell and dispose of the same as they think proper, and the money arising from the sale thereof shall be applied toward the purposes of the special Act.

xcI. The Commissioners may from time to time provide places convenient for the deposit of the night soil, dung, ashes, and other filth and rubbish to be collected under the authority of this or the special Act, and for stabling and keeping all horses, carts, implements, and other things required for the purposes of this or the special Act, or of any Act to be incorporated therewith; and for any of such purposes the Commissioners may purchase or hire any lands or buildings by them considered necessary, or they may cause any new building to be made upon any land which shall be purchased or hired by them under the provisions of this or the special Act.

xcII. The Commissioners, if they think fit so to do, may cause any number of moveable or fixed dust boxes or other conveniences, wherein dust and ashes may be deposited until removed and carried away, to be provided and placed in such of the streets as they shall judge necessary, and may require the occupiers of houses or tenements within such streets to cause all their dust and ashes to be deposited daily in the said dust boxes or other conveniences; and every person who after such dust boxes or conveniences have been so provided shall deposit or cause or permit to be deposited any ashes or dust in any part of any street, except in some of the said dust boxes or other conveniences, and every person who shall lay or cause to be laid any dirt, dung, or other filth in any part of any street, shall for every such offence forfeit and pay a sum not exceeding 10s.

xcIII. The Commissioners may erect such public urinals within the limits of the special Act, and in such situations as they think fit, and may defray the expense thereof, and of keeping the same in good order, and may make compensation for any injury occasioned to any person by the erection thereof, out of the monies to be levied under this and the special Act.

xcIV. The Commissioners shall, as often as occasion requires, cause the streets to be watered, and they may contract with any water company or other party for a supply of water for that purpose, and for cleansing the sewers and drains; and, if necessary, they may place pipes, conduits, and pumps in any of the streets, or provide any other works and engines proper for that purpose, and remove and alter the same when and as they think proper.

xcv. The Commissioners shall appoint and employ a sufficient number of scavengers, or contract with any company or other person to employ scavengers, for sweeping, cleansing, and watering the streets, and for removing all dust, ashes, rubbish, and filth therefrom, and from the houses and tenements therein, and for emptying privies and cesspools, in the manner by this or the special Act directed; and such scavengers shall, on such days and at such hours, and in such manner as the Commissioners from time to time appoint, sufficiently execute all such works and duties as they have respectively contracted or been employed to perform; and every such contractor who fails to sweep and properly cleanse or water any street which he has contracted to

sweep, cleanse, or water, or who fails to clean out and empty any privy, cesspool, or sewer which he has contracted to clean out and empty, at the time and in the manner appointed by the Commissioners, or to collect or remove any dirt, ashes, or rubbish which he has contracted to remove at the time and in the manner prescribed by the Commissioners for that purpose, or who lays any of such soil, dust, ashes, rubbish, or filth in any other place than such as are appointed by the Commissioners for that purpose, shall for every such offence be liable to a penalty not exceeding 5*l*.

xcvi. Every occupier of any building or land within the said limits, and every other person, who refuses to permit the said scavengers to remove such dirt, ashes, or rubbish as by this or the special Act they are authorized to do, or who obstructs the said scavengers in the performance of their duty, shall for every such offence be liable to a penalty not exceeding 5*l*.

xcvii. Every person, other than the person employed by the Commissioners, or by some person contracting with the Commissioners for that purpose, who collects or carries away any night soil, dust, ashes, rubbish, or filth by this or the special Act directed to be removed by persons employed by the Commissioners, from any street or public place within the limits of the special Act, shall be liable to a penalty not exceeding 40*s*. for every such offence.

xcviii. The Commissioners may from time to time fix the hours within which only it shall be lawful to empty privies or remove offensive matter within the limits of the special Act; and when the Commissioners have fixed such hours, and given public notice thereof, every person who within the limits of the special Act empties or begins to empty any privy, or removes along any thoroughfare within the said limits any offensive matter, at any time except within the hours so fixed, and also every person who at any time, whether such hours have been fixed by the Commissioners or not, uses for any such purpose any cart or carriage not having a covering proper for preventing the escape of the contents of such cart, or of the stench thereof, or who wilfully slopes or spills any such offensive matter in the removal thereof, or who does not carefully sweep and clean every place in which any such offensive matter has been placed, or unavoidably slopped or spilled, shall be liable to a penalty not exceeding 40*s*., and in default of the apprehension of the actual offender the driver or person having the care of the cart or carriage employed for any such purpose shall be deemed to be the offender.

And with respect to the prevention of nuisances, it is enacted as follows:—

xcix. No person shall suffer any waste or stagnant water to remain in any cellar or other place within any house belonging to or occupied by him within the limits of the special Act, so as to be a nuisance; and every person who so suffers any such water to remain for forty-eight hours after receiving notice from the Commissioners to remove the same, and every person who allows the contents of any privy or cesspool to overflow or soak therefrom, to the annoyance of the occupiers of any adjoining property, shall for every such offence be liable to a penalty not exceeding 40*s*., and to a further penalty not exceeding 5*s*. for every day during which such nuisance continues; and the Commissioners may drain and cleanse out any stagnant pools, ditches, or ponds of water within the limits of the special Act, and abate any such nuisance as aforesaid, and for that purpose may enter, by their officers and workmen, into and upon any building or land within the said limits at all reasonable times, and do all necessary acts for any of the purposes aforesaid; and the expenses incurred thereby shall be paid by the person committing such offence, or occupying the building or land whence such annoyance proceeds, and if there be no occupier, by the owner of such building or land, and shall be recoverable as damages.

c. If the dung or soil of any stable, cowhouse, or pigstye, or other collection of refuse matter, elsewhere than in any farmyard, be at any time allowed to accumulate within the limits of the special Act for more than thirty days, or for more than seven days after a quantity exceeding one ton has been collected in any place not allowed by the Commissioners, such dung, soil, or refuse, if not removed within forty-eight hours after notice from any officer of the Commissioners for that purpose, shall become the property of the Commissioners, and they, or any person with whom they have at that time any subsisting contract for the removal of refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the special Act.

ci. If at any time the officer of health, or, if for the time being there be no officer of health, any two surgeons or physicians, or one surgeon and one physician, residing within the limits of the special Act, certify under his or their hand to the Commissioners that any accumulation of dung, soil, or filth, or other noxious or offensive matter within the limits of the special Act, ought to be removed, as being injurious to the health of the inhabitants, the clerk to the Commissioners shall forthwith give notice to the owner or reputed owner of such dung, soil, or filth, or to the occupier of the land where the same are, to remove the same within twenty-four hours after such notice; and in case of failure to comply with such notice the said dung, soil, or filth shall thereupon become vested in the Commissioners, and they, or any person with whom they have at that time contracted for the removal of all such refuse, may sell and dispose of the same, and the money thence arising shall be applied towards the purposes of the special Act.

cii. If at any time the officer of health, or, if for the time being there be no officer of health, any two surgeons or physicians, or one surgeon and one physician, residing within the said limits, certify under his or their hands to the Commissioners that any house or part of any house or building within the limits of the special Act is in such a filthy or unwholesome condition that the health of the inmates or of the neighbours is thereby affected or endangered, or that the whitewashing, cleansing, or purifying of any house or building, or any part thereof would tend to prevent or check infectious or contagious disease therein, or that any drain, privy, or cesspool is in such a defective state that the health of the neighbours is thereby affected or endangered, the Commissioners shall order the occupier of such house or part thereof to whitewash, cleanse, and purify the same, and the owner of such drain, privy, or cesspool to amend the condition thereof, in such manner and within such time as the Commissioners deem reasonable; and if such occupier or owner do not comply with such order he shall be liable to a penalty not exceeding 10*s*. for every day's neglect thereof; and in such case the Commissioners may cause such house or any part thereof to be whitewashed, cleansed, and purified, or the condition of such drain, privy, or cesspool to be amended, and may recover the expense thereof from such occupier or owner in the same manner as damages.

CIII. No coffin containing a corpse shall be buried in any grave within the limits of the special Act, not being a vault or catacomb, without at least thirty inches of soil between the ordinary surface of such burial ground and the upper side of the coffin; and if the person having the preparation or the immediate charge of the preparation of the grave to receive such coffin permit the coffin to be buried in such grave, or if the person having the controul of the burial ground knowingly permit any coffin to be buried in any grave in which there is not left after the burial thereof thirty inches at the least of soil, measuring from the ordinary surface of such burial ground to the upper side of the coffin, the person having the immediate charge of the preparation of the grave, and the person having the controul of the burial ground in which such burial is made, shall for every such offence be liable to a penalty not exceeding 5*l*.

civ. If any candle-house, melting-house, melting-place, or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling or crushing bones, or any pigstye, necessary house, dunghill, manure heap, or any manufactory, building, or place of business, within the limits of the special Act, be at any time certified to the Commissioners by the inspector of nuisances or officer of health, or if for the time being there be no inspector of nuisances or officer of health, by any two surgeons or physicians, or one surgeon and one physician, to be a nuisance or injurious to the health of the inhabitants, the Commissioners shall direct complaint to be made before two Justices; and any Justice may summon before any two Justices the person by or on whose behalf the work complained of is carried on, and such Justices shall inquire into such complaint, and they may, by an order in writing under their hands, order such person to discontinue or remedy the nuisance within such time as to them shall appear expedient: Provided always, that if it appear to such Justices that in carrying on any business complained of the best means then known to be available for mitigating the nuisance or the injurious effects of such business have not been adopted, they may suspend their final determination, upon condition that the person so complained against shall undertake to adopt within a reasonable time such means as the said Justices shall judge to be practicable and order to be carried into effect for mitigating or preventing the injurious effects of such business.

cv. If any such nuisance, or the cause of any such injurious effects as aforesaid, be not discontinued or remedied within such time as shall be ordered by the said Justices, the person by or on whose behalf the business causing such nuisance is carried on shall be liable to a penalty not exceeding 5*l*. for every day during which such nuisance shall be continued or unremedied after the expiration of such time as aforesaid: Provided always, that when any person who thinks himself aggrieved by any such order shall, according to the provisions of this or the special Act, appeal against any such order, such person shall not be liable to discontinue or remedy the nuisance or cause of the injurious effects mentioned therein, or to pay any penalty, until after the expiration of five days after the determination of such appeal and the confirmation of such order, unless such appeal cease to be prosecuted.

cvi. The Commissioners may direct any prosecution for any public nuisance whatsoever, created, permitted, or suffered within the limits of the special Act, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this or the special Act, or of any Act incorporated therewith, and may order the expenses of such prosecution or other proceedings to be paid out of the rates authorized to be imposed under the provisions of this and the special Act.

cviI. Nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is, or but for this Act would be, deemed to be a nuisance at common law, nor to exempt any person guilty of nuisance at common law from prosecution or action in respect thereof, according to the forms of proceeding at common law, nor from the consequences upon being convicted thereof.

And with respect so the prevention of smoke, it is enacted as follows:—

cviii. Every fireplace or furnace constructed after the passing of the special Act, in order to be used within the limits of such Act in the working of engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, gaswork, or in any manufactory whatsoever, (although a steam-engine be not used or employed therein,) shall be so constructed as to consume the smoke arising from the combustibles used in such fireplace or furnace; and every such fireplace or furnace existing within the said limits at the date of the passing of the special Act, used for the purposes aforesaid, not so constructed as to consume the smoke arising from such fireplace or furnace, shall within the prescribed period, or if no period be prescribed, then within two years after the passing of the special Act, be so altered in its construction as to consume such smoke; and if after such period any person use for any of the purposes aforesaid any fireplace or furnace not so constructed as aforesaid, or if at any time any person use any such fireplace or furnace constructed after the passing of the special Act, and not so constructed as aforesaid, or so negligently use any such fireplace or furnace as not to consume the smoke arising from the combustibles used therein, every person so offending shall be liable to a penalty of 40*s*. for every day during any part of which such furnace or fireplace shall be so used and continued after one month's notice in writing shall have been given to the owner or occupier of such furnace or fireplace by the Commissioners to remedy or discontinue the use of the same.

And with respect to the construction of houses for prevention of fire, it is enacted as follows:—

cix. The party walls of all buildings erected after the passing of the special Act within the limits thereof shall be carried through and above the roof, to form a parapet of not less than twelve inches in height, measured at right angles with the slope of the roof, above the covering of the roof of the highest building to which such party walls belong; and all such party walls, and the external walls of all buildings, erected after the passing of the special Act, in or near any street, or within the curtilage of any house adjoining any street, shall be constructed of incombustible materials, and the coverings of the roof thereof shall not, without the previous consent in writing of the Commissioners, be constructed of combustible materials; and it shall not be lawful for the owner of any building within the limits of the special Act, having at the passing of the special Act a roof covered with thatch or other combustible material, and contiguous to or adjoining to any other building, to suffer such covering to such roof to remain for a longer period than seven years after the passing of the special Act, unless with the consent in writing of the Commissioners; and every person who shall erect any building, or cover any roof, or suffer the covering of any roof to continue, contrary to the provision herein contained, and who shall not remove or alter the same within one month after notice given to

him for that purpose by the Commissioners, shall be liable to a penalty not exceeding 1*l*. for every day that such building or covering to such roof shall so continue.

And with respect to supplying buildings with fresh air, it is enacted as follows :—

CX. Before beginning to build any building intended to be used as a church, chapel, or school, or a place of public amusement or entertainment, or for holding large numbers of people for any purpose whatsoever, within the limits of the special Act, the person intending to build the same shall give fourteen days' notice in writing to the Commissioners, and shall accompany such notice with a plan and description of the manner proposed for its construction, with respect to the means of supplying fresh air, to such building; and no person shall begin to build such building until the manner proposed for its construction, with respect to the means for supplying fresh air, have been approved of by the Commissioners; and in default of sending such notice, or if any such building be erected without such approval, the Commissioners may cause such building, or such part of it as they consider necessary, to be pulled down or altered, at the expense of the owner, and any expense incurred by the Commissioners in so doing may be recovered as hereinbefore provided with respect to ruinous or dangerous buildings taken down or repaired by the Commissioners.

CXI. Provided always, That if the Commissioners fail to signify in writing their approval or disapproval of the manner of construction of such building, with respect to the means of supplying fresh air shewn on such plan and description as aforesaid, within fourteen days after receiving such notice, accompanied by such plan and description, the person giving such notice may, notwithstanding anything herein contained, proceed to build the building therein referred to in the manner shewn on such plan and description; provided that such building be otherwise in accordance with the provisions of this and the special Act.

CXII. Provided also, that if the person so intending to build be dissatisfied with the determination of the Commissioners as to the said proposed manner of construction, he shall have the same right of appeal against the determination of the Commissioners, and such appeal shall be followed by the same incidents, as hereinbefore provided in the case of appeals against any order of the Commissioners with respect to works to be constructed by or subject to the approval of the Commissioners.

CXIII. It shall not be lawful to let separately, except as a warehouse or storehouse, or to suffer to be occupied as a dwelling place, any cellar under any house in any court within the limits of the special Act, after the Commissioners have given notice to the owners thereof that the letting of cellars as dwelling places in such court is prohibited from that time forth; and it shall be the duty of the Commissioners to issue such notices from time to time, as soon as is convenient, until such notice has been given with respect to every court within the limits of the special Act.

CXIV. It shall not be lawful to let separately, except as a warehouse or storehouse, or to suffer to be occupied as a dwelling place, any cellar or room under any house within the said limits, although not situated in a court, which cellar or room shall be less in height from the floor to the ceiling than seven feet, or which shall be less than one-third of its height above the level of the street or ground adjoining the same, or otherwise shall not have two feet at least of its height from the floor to the ceiling above the said level, with an open area of two feet wide from the level of the floor of such cellar or room up to the level of the said street or ground, or which shall not have appurtenant thereto the use of a water-closet or privy and ashpit, according to the enactment herein contained, or which shall not also have a glazed window made to open to the full extent of the half thereof, the area of which is not less than six feet clear of the frame, and a fireplace, with a chimney or flue, or which cellar, being an inner or back cellar, let or occupied along with a front cellar as part of the same letting or occupation, has not a ventilating flue, (unless such inner or back cellar shall be part of a house built before the passing of the special Act,) or which shall not be well and effectually drained by means of a drain the bottom of which is one foot at least below the level of the floor of such cellar or room.

CXV. Every person who lets separately (except as aforesaid) or who knowingly suffers to be occupied for hire, as a dwelling place, any cellar or room within the limits of the special Act, contrary to the provisions of this and the special Act, shall be liable to a penalty not exceeding 20*s*., and a further penalty not exceeding 5*s*. for every day during which such cellar or room is so occupied, after conviction of the first offence.

And with respect to lodging houses, it is enacted as follows :—

CXVI. It shall not be lawful to keep or use as a public lodging house within the limits of the special Act any house, not being a licensed victualling house, which shall be rated to the relief of the poor on a less sum than 10*l*., nor in any case unless such house shall have been registered as a lodging house in a book to be kept by the Commissioners for that purpose; and every house shall be deemed a public lodging house within the meaning of this Act in which persons are harboured or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for any term less than a week.

CXVII. The Commissioners shall cause a register to be kept in which shall be entered the names of all such persons as apply to have the houses occupied by them registered as lodging houses, and the situations of such houses; and the Commissioners shall from time to time fix the number of lodgers who may be received into each such lodging house, and make rules for promoting cleanliness and ventilation in such lodging house; and they shall order that a ticket containing the number of lodgers allowed to be received into the house, and a table of rules for promoting cleanliness and ventilation shall be hung up or placed in a conspicuous part of each room into which lodgers are received; and the keepers of all such lodging houses shall at all times observe the said rules, and give access to such lodging houses, when required by any persons appointed by the Commissioners, for the purpose of inspection thereof, or for the purpose of performing therein any disinfecting process which the Commissioners may order.

CXVIII. Every person who shall keep any lodging house, and receive lodgers therein, without such lodging house having been duly registered, or who shall receive into the same more lodgers than shall be allowed by the Commissioners, or who shall fail to keep such ticket or such table of rules as aforesaid hung up or displayed as required by the Commissioners, or who shall neglect to cause such rules to be observed in any such lodging house, or who shall refuse to admit to such lodging house at

all reasonable times any person appointed by the Commissioners for any of the purposes aforesaid, or who shall wilfully obstruct any such person in performing any disinfecting process therein which the Commissioners may order, shall be liable to a penalty not exceeding 40s. for each such offence.

And with respect to lighting the town or district, it is enacted as follows :—

CXXIX. The Commissioners may contract for the prescribed period, or (where no period shall be prescribed) for any period not exceeding three years at any one time, with the owners of any gasworks, or with any other person, for the supply of such gas or oil or other means of lighting, and may provide such lamps, lamp posts, and other works as the Commissioners think necessary for lighting such streets.

CXX. If the Commissioners, and the owners of any gasworks authorized by Act of Parliament to supply gas within the limits of the special Act, and with whom the Commissioners may be desirous of contracting, shall not agree as to the price to be paid for such supply, then such price shall be settled by arbitration; and for that purpose the clauses of the Lands Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, shall be incorporated with this and the special Act.

And with respect to the supply of water, it is enacted as follows :—

CXXI. The Commissioners shall cause all existing public cisterns, pumps, wells, conduits, and other waterworks used for the gratuitous supply of water to the inhabitants within the limits of the special Act, to be continued, maintained, and supplied with water, or they shall substitute other such works equally convenient, and shall cause them to be maintained and supplied with water; and such public cisterns and other works shall be vested in the Commissioners, and be under their management and controul; and the Commissioners may construct any number of new cisterns, pumps, conduits, and other waterworks, for the gratuitous use of any persons who choose to carry the same away, not for sale, but for their own private use, and may supply with water any public baths or wash-houses; provided that the Commissioners shall not construct any such new works without the prescribed approval, or, if no approval be prescribed, without the approval of the Commissioners of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings; and before giving their approval to the construction of any such new works the last-mentioned Commissioners shall cause a local inquiry to be made in the manner prescribed by an Act, 9 & 10 Vict. c. 106, intituled 'An Act for making preliminary Inquiries into certain cases of Application for Local Acts,' and shall withhold their inquiry if upon such inquiry they shall be satisfied that an equally good and abundant supply of water for such public purposes can be procured as cheaply by any other means than by the construction of such new works.

CXXII. The Commissioners may contract for the prescribed period, or (where no period shall be prescribed) for any period not exceeding three years at one time, with the owners of any waterworks or any other person for such supply of water as the Commissioners shall think necessary for the purposes of this or the special Act.

CXXIII. If the Commissioners, and the owners of any waterworks authorized by Act of Parliament to supply water within the limits of the special Act, with whom the Commissioners may be desirous of contracting, do not agree as to the price to be paid for such supply, then such price (except where by the Act authorizing such waterworks some other mode of determining such price shall be provided) shall be settled by arbitration, and for that purpose the clauses of the Lands Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration, shall be incorporated with this and the special Act.

CXXIV. The Commissioners shall cause fire-plugs, and all necessary works, machinery, and assistance for securing an efficient supply of water in cases of fire, to be provided and maintained, and for this purpose they may enter into an agreement with any water company or other party, and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may from time to time deem expedient.

And with respect to slaughter-houses, it is enacted as follows :—

CXXV. The Commissioners may license such slaughter-house and knacker's yards as they from time to time think proper for slaughtering cattle within the limits of the special Act.

CXXVI. No place shall be used or occupied as a slaughter-house or knacker's yard within the said limits which was not in such use and occupation at the time of the passing of the special Act, and has so continued ever since, unless and until a licence for the erection thereof, or for the use and occupation thereof as a slaughter-house or knacker's yard, have been obtained from the Commissioners; and every person who, without having first obtained such licence as aforesaid, uses as a slaughter-house or knacker's yard any place within the said limits not used as such at the passing of the special Act, and so continued to be used ever since, shall for each offence be liable to a penalty not exceeding 5*l.*, and a like penalty for every day after the conviction for such offence upon which the said offence is continued.

CXXVII. Every place within the limits of the special Act which shall be used as a slaughter-house or knacker's yard shall, within three months after the passing of such Act, be registered by the owner or occupier thereof at the office of the Commissioners, and on application to the Commissioners for that purpose, the Commissioners shall cause every such slaughter-house or knacker's yard to be registered in a book to be kept by them for that purpose; and every person who after the expiration of the said three months, and after one week's notice of this provision from the Commissioners, uses or suffers to be used any such place as a slaughter-house or knacker's yard, without its being so registered, shall be liable to a penalty not exceeding 5*l.* for such offence, and a penalty not exceeding 10*s.* for every day after the first day during which such place shall be used as a slaughter-house or knacker's yard without having been so registered.

CXXVIII. The Commissioners shall from time to time, by bye-laws, to be made and confirmed in the manner hereinafter provided, make regulations for the licensing, registering, and inspection of the said slaughter-houses and knacker's yards, and preventing cruelty therein, and for keeping the same in a cleanly and proper state, and for removing filth at least once in every twenty-four hours, and requiring them to be provided with a sufficient supply of water, and they may impose pecuniary penalties

on persons breaking such bye-laws; provided that no such penalty exceed for any one offence the sum of 5*l*., and in the case of a continuing nuisance the sum of 10*s*. for every day during which such nuisance shall be continued after the conviction for the first offence.

CXXXIX. The Justices before whom any person is convicted of killing or dressing any cattle contrary to the provisions of this or the special Act, or of the non-observance of any of the bye-laws or regulations made by virtue of this or the special Act, in addition to the penalty imposed on such person under the authority of this or the special Act, may suspend for any period not exceeding two months the licence granted to such person under this or the special Act, or in case such person be the owner or proprietor of any registered slaughter-house or knacker's yard, may forbid for any period not exceeding two months the slaughtering of cattle therein; and such Justices, upon the conviction of any person for a second or other subsequent like offence, may, in addition to the penalty imposed under the authority of this or the special Act, declare the licence granted under this or the special Act revoked, or, if such person be the owner or proprietor of any registered slaughter-house, may forbid absolutely the slaughtering of cattle therein; and whenever the licence of any such person is revoked as aforesaid, or whenever the slaughtering of cattle in any registered slaughter-house or knacker's yard is absolutely forbidden as aforesaid, the Commissioners may refuse to grant any licence whatever to the person whose licence has been so revoked, or on account of whose default the slaughtering of cattle in any registered slaughter-house has been forbidden.

CXXX. Every person who during the period for which any such licence is suspended, or after the same is revoked as aforesaid slaughters cattle in the slaughter-house or knacker's yard to which such licence relates, or otherwise uses such slaughter-house or knacker's yard, or allows the same to be used as a slaughter-house or knacker's yard, and every person who during the period that the slaughtering of cattle in any such registered slaughter-house or knacker's yard is forbidden as aforesaid, or after such slaughtering has been absolutely forbidden therein, slaughters any cattle in any such registered slaughter-house, shall be liable to a penalty not exceeding 5*l*. for such offence, and a further penalty of 5*l*. for every day on which any such offence is committed after the conviction for the first offence.

CXXXI. The inspector of nuisances, the officer of health, or any other officer appointed by the Commissioners for that purpose, may at all reasonable times, with or without assistants, enter into and inspect any building or place whatsoever within the said limits kept or used for the sale of butcher's meat, or for slaughtering cattle, and examine whether any cattle, or the carcase of any such cattle, is deposited there, and in case such officer shall find any cattle, or the carcase or part of the carcase of any beast, which appears unfit for the food of man, he may seize and carry the same before a Justice, and such Justice shall forthwith order the same to be further inspected and examined by competent persons; and in case upon such inspection and examination, such cattle, carcase, or part of a carcase be found to be unfit for the food of man, such Justices shall order the same to be immediately destroyed or otherwise disposed of in such way as to prevent the same being exposed for sale or used for the food of man; and such Justice may adjudge such person to whom such cattle, carcase, or part of a carcase belongs, or in whose custody the same is found, to pay a penalty not exceeding 10*l*. for every such animal or carcase or part of a carcase so found; and the owner or occupier of any building or place kept or used for the sale of butcher's meat, or for slaughtering cattle, and every other person, who obstructs or hinders such inspector or other officer from entering into and inspecting the same, and examining, seizing, or carrying away any such animal or carcase or part of a carcase so appearing to be unfit for the food of man, shall be liable to a penalty not exceeding 5*l*. for each offence.

And with respect to things to be done by the Commissioners by special order only, it is enacted as follows:—

CXXXII. Where by this or the special Act the Commissioners are empowered to do anything by special order only, it shall not be lawful for them to do such thing unless the resolution to do the same have been agreed to by the Commissioners in some meeting whereof special notice has been given, and has been confirmed in a subsequent meeting held not sooner than four weeks after the preceding meeting, and which subsequent meeting has been advertised once at least in each of the weeks intervening between the two meetings in some newspaper circulating within the limits of the special Act, and of which special notice in writing has been given to each of the Commissioners.

CXXXIII. Provided always, that after any resolution has been confirmed in a subsequent meeting as aforesaid the Commissioners shall not proceed to carry the same into effect until after the expiration of one month from the date of such second meeting, and during such month such resolution shall be advertised once at least in each week in some newspaper circulating within the limits of the special Act, and public notice thereof shall also be given by means of placards posted in public places within the said limits, and reference shall in such advertisement and notice be made to some place provided by the Commissioners where the plan or particulars of the work or matter to which such resolution relates may be gratuitously seen by the rate-payers; and if before the expiration of such month a remonstrance in writing against carrying into effect such resolution, or any part thereof, signed by a majority of the rate-payers having votes in the election of the Commissioners (such majority being computed with reference to the number of votes to which in such election each rate-payer is entitled under the special Act, or any Act incorporated therewith), be presented to the Commissioners, such resolution, or such part thereof as such remonstrance applies to, shall not be carried into effect, and where any such remonstrance applies to part only of any such resolution, the Commissioners may either carry into effect the remainder of such resolution, or rescind the same, as they think fit.

CXXXIV. The Commissioners may from time to time, with the concurrence in writing of the inspector, and by special order as herein defined, but not otherwise, purchase, rent, build, or otherwise provide such slaughter-houses and knacker's yards as they think proper for slaughtering cattle within the limits of the special Act.

CXXXV. The Commissioners may by a special order as herein defined, but not otherwise, purchase, rent, or otherwise provide lands, grounds, or other places either within the limits of the special Act, or at a reasonable distance therefrom, not exceeding three miles from the centre of the principal market place, if any, or from the principal office of the Commissioners, and in a situation to be approved of by the inspector, to be used as a pleasure ground or place of public resort or recreation; and the Commissioners may from time to time level, drain, plant, and otherwise lay out and improve any such public lands or grounds for the more convenient use and enjoyment thereof.

CXXXVI. The Commissioners may from time to time by special order as herein defined, but not otherwise, purchase, rent, or otherwise provide, either within the limits of the special Act, or at a reasonable distance therefrom, suitable and convenient land and buildings in a situation and according to plans to be approved of by the inspector, to be used for public baths and wash-houses, and public open bathing places and public drying grounds, for the use and accommodation of the inhabitants within the limits of the special Act, in washing and drying clothes and other articles, and may fit up the same respectively with all requisite and proper conveniences, and from time to time enlarge, renew, and repair the same respectively, and afford the use thereof respectively to such inhabitants at such reasonable charges, and under and subject to such regulations, as the Commissioners may deem expedient; and every person who offends against any such regulations shall be liable to a penalty not exceeding 40s. for every offence.

CXXXVII. Provided always, That the number of baths for the use of the working classes in any building provided by the Commissioners shall not be less than twice the number of the other baths of any higher class.

CXXXVIII. The Commissioners may from time to time make such reasonable charges for the use of such baths, bathing places, wash-houses, and drying grounds as they think fit, but as regards the working classes, not exceeding the charges, if any, mentioned in the special Act, unless for the use of any washing tub or trough for more than two hours in any one day, in which case any charge may be made which the Commissioners deem reasonable.

CXXXIX. For the recovery of the charges at such wash-houses and drying grounds the officers, servants, and others having the management thereof may, at the period of using the same, or at any subsequent time, detain the clothes or other goods and chattels in or upon any such wash-house or drying ground of any person refusing to pay the charge to which such person may be liable, or any part thereof, till full payment thereof be made; and in case such payment be not made within seven days, the Commissioners may sell such clothes, goods and chattels, or any of them, returning the surplus proceeds of such sale, after deducting the unpaid charge, and the expenses of such detention and sale, and the unsold articles, if any, on demand, to such person.

CXL. A printed copy or sufficient abstract of the bye-laws made by the Commissioners relating to the use of such baths, bathing places, and wash-houses, so far as regards every such bath, bathing place, or wash-house, shall be put up in such bath room, bathing place, and wash-house.

CXLI. Whenever any of such public baths, bathing places, wash-houses or drying grounds are deemed by the Commissioners to be unnecessary or too expensive to be kept up, the Commissioners may, by special order as herein defined, but not otherwise, discontinue the same, and sell the lands, buildings, and materials for the best price that can reasonably be obtained, and convey the same accordingly; and the purchase-money shall be paid to the treasurer of the Commissioners, and be disposed of as the Commissioners direct.

CXLII. If it appear that any works which the Commissioners deem necessary for promoting the health or convenience of the inhabitants of the district within the limit of the special Act cannot lawfully be carried into effect by the Commissioners, under the powers vested in them by this or the special Act, by reason either that the monies authorized to be raised by them are insufficient for the purpose, or that any lands are required which the Commissioners are not by this or the special Act authorized to take or use, or for any other reason, the Commissioners may, by special order as herein defined, but not otherwise, cause application to be made to Parliament for an Act to enable them to execute such works, and may defray the expenses of such application out of the rates authorized to be levied by them under this and the special Act.

CXLIII. And with respect to clocks, it is enacted, That the Commissioners may from time to time provide such clocks as they consider necessary, and cause them to be fixed upon or against any public building, or, with the consent of the owner and occupier, upon or against any private building, the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and from time to time alter and remove any such clocks to such other like situation as they shall consider expedient.

And with respect to entry by the Commissioners or their officers in execution of this or the special Act, it is enacted as follows:—

CXLIV. The Commissioners shall, for the purposes of this or the special Act, have power by themselves or their officers to enter at all reasonable hours in the day time into and upon any buildings or lands within the limits of the special Act, as well for the purpose of inspection as for the purpose of executing any work authorized to be executed by them under this or the special Act, or any Act incorporated therewith, without being liable to any legal proceedings on account thereof: Provided always, that, except when herein or in the special Act it is otherwise provided, the Commissioners or their officers shall not make any such entry, unless with the consent of the occupier, until after the expiration of twenty-four hours' notice for that purpose given to the occupier.

CXLV. Every person who shall at any time obstruct the Commissioners or any person employed by them in the performance of anything which they are respectively empowered or required to do by this or the special Act, or any Act to be incorporated therewith, shall be liable to a penalty not exceeding 5*l*.

And with respect to ensuring the execution of the works by this or the special Act required to be done by the owners or occupiers of houses or lands, it is enacted as follows:—

CXLVI. Where under this or the special Act any notice is required to be given to the owner or occupier of any building or land, such notice addressed to the owner or occupier thereof, as the case may require, may be served on the occupier of such building or land, or left with some inmate of his abode, or, if there be no occupier, may be put up on some conspicuous part of such building or land; and it shall not be necessary in any such notice to name the occupier or the owner of such building or land: Provided always, that when the owner of any such building or land, and his residence, are known to the Commissioners, it shall

be the duty of the Commissioners, if such owner be residing within the limits of the special Act, to cause every notice required to be given to the owner to be served on such owner, or left with some inmate of his abode; and if such owner be not resident within the limits of the special Act they shall send every such notice by the post, addressed to the residence of such owner.

CLXVII. Whenever under the provisions of this or the special Act, or any Act incorporated therewith, any work of any kind is required to be executed by the owner or occupier of any house or lands, and default is made in the execution of such work, the Commissioners may cause such work to be executed, and the expense incurred by the Commissioners in respect thereof shall, except in the case in which such expenses are hereinbefore directed to be defrayed by drainage rates, be repaid to them by the person by whom such work ought to have been executed.

CLXVIII. Whenever default is made by the owner of any buildings or lands in the execution of any work by this or the special Act, or any Act incorporated therewith, required to be executed by him, the occupier of such buildings or lands may, with the approval of the Commissioners, cause such work to be executed, and the expense thereof shall be repaid to such occupier by the owner of the buildings or lands, and such occupier may deduct the amount of such expense out of the rent from time to time becoming due from him to such owner.

CLXIX. If the owner of any buildings or lands made liable by this or the special Act for the repayment to the Commissioners of any expenses incurred by them do not, as soon as the same become due and payable from him, repay all such expenses to the Commissioners, the Commissioners may recover the same from such owner in the same manner as damages, or in an action of debt in any of the superior courts, or in any other court having jurisdiction.

CL. The Commissioners may, by way of additional remedy, whether any such action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being from the person who then or at any time thereafter occupies any such buildings or lands under such owner; and in default of payment thereof by such occupier, on demand, the same may be levied by distress and sale of the goods and chattels of such occupier in the same manner as any rate may be recovered from him under this or the special Act; and every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is to be paid by or recovered from him in respect of any such expenses.

CLI. Provided always, That no occupier of any buildings or lands shall be liable to pay more money in respect of any expenses charged by this or the special Act on the owner thereof than the amount of rent due from him for the premises in respect of which such expenses are payable at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord have accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burthen of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall lie upon such occupier: Provided further, that nothing herein contained shall be taken to affect any special contract made between any such owner or occupier respecting the payment of the expenses of any such works as aforesaid.

CLII. Where any such expenses payable to the Commissioners by any owner of any such building or lands amount to more than half the amount of the net annual value of such building or lands, the Commissioners may, if they think fit, at the request of any such owner, allow time for the repayment of such expenses, and receive the same by such instalments as they, under the circumstances of the case, consider reasonable, but so that the same be repaid by annual instalments of not less than one-seventh part of the whole sum originally due, with interest for the principal money from time to time remaining unpaid after the yearly rate of 5*l.* in the hundred during the period of forbearance; but all such sums remaining due, notwithstanding the Commissioners have agreed to allow any time for the repayment thereof as aforesaid, shall from time to time, at the expiration of the several times so allowed for repayment thereof, be recoverable in like manner as such respective amounts would have been recoverable if no such time had been allowed for repayment thereof.

CLIII. If the occupier of any buildings or lands within the limits of the special Act prevent the owner thereof from carrying into effect in respect of such buildings or lands any of the provisions of this or the special Act, or of any Act incorporated therewith, after notice of his intention so to do has been given by the owner to such occupier, any Justice, upon proof thereof, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such buildings or lands as may be necessary for carrying into effect the provisions of this and the special Act, or of any Act incorporated therewith; and if after the expiration of ten days from the date of such order such occupier continue to refuse to permit such owner to execute such works, such occupier shall for every day during which he so continues to refuse be liable to a penalty not exceeding 5*l.*; and every such owner during the continuance of such refusal shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

CLIV. Nothing herein or in the special Act contained shall extend to avoid any agreement in writing entered into before the passing of the special Act for erecting or altering any building, but the same shall be performed with such alterations as may be rendered necessary by this or the special Act, and as if such alterations had been stipulated for in such agreement; and the difference between the cost of the work according to the agreement and the cost of such work as executed according to the provisions of this and the special Act shall be ascertained by the parties to the respective agreements, and paid for or deducted as the case may require; and if the said parties do not agree upon the amount of such difference, the same shall, on the request of either party (notice being given to the other), be decided by the surveyor to the Commissioners, and for his trouble in making such decision each of the said parties shall pay to the said surveyor such sum not exceeding 1*l.* and to be disposed of for such purposes of the special Act, as the Commissioners shall direct.

CLV. Nothing herein or in the special Act contained shall affect any lease or agreement for a lease whereby any person may be bound to erect buildings upon any building ground within the limits of the special Act, but the buildings mentioned in such lease or agreement shall be built according to the conditions which may be rendered necessary by this or the special Act, in the same

manner as if this and the special Act had been passed and in operation at the time of making such lease or agreement, and the same had been made subject thereto, and that without either party being entitled to any compensation.

And with respect to the rates directed by this Act to be made for sewers, drains, and private improvements, it is enacted as follows:—

CLVI. Where by this or the special Act the occupiers of any lands or buildings are made liable to the payment of any expenses which are directed to be recoverable as private improvement expenses, the Commissioners may charge the occupiers of such lands and buildings respectively with special rates, over and above any other rates to which such persons may be liable under this and the special Act, after the yearly rate of 6*l.* 10*s.* in the 100*l.* on the cost of such private improvements respectively, such special rates to be payable during thirty years next after such expenses have been incurred.

CLVII. Whenever any new sewer shall be made the Commissioners may charge the occupiers of all lands and buildings liable to contribute to the rates for making the same with special sewer rates, over and above any other rates to which such persons may be liable under this or the special Act, after the yearly rate of 6*l.* 10*s.* in the 100*l.* on the cost of making such new sewer, such special sewer rates to be payable during thirty years next after such expenses have been incurred.

CLVIII. Except where it shall be otherwise provided by the special Act, the Commissioners shall make a sewer rate, to be called the general sewer rate, distinct from any other rate which they may be authorized to make under the special Act, and the money to be raised by such general sewer rates shall be applied in maintaining and clearing the sewers, and all other expenses connected with such sewers not hereinbefore provided for, or which may not be fully defrayed by the special sewer rates, and for securing and paying off any monies which may be borrowed for the purpose aforesaid on security of the special sewer rates under the provisions of this or the special Act, or of any Act incorporated therewith, and the interest of such monies which the special sewer rates shall be insufficient to defray.

CLIX. The Commissioners may borrow money by mortgage of the special and general sewer rates for making new sewers, or inclosing open sewers, and also for any private improvement expenses, by mortgage of the rates respectively applicable to defray such expenses, and for that purpose the clauses of the "Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, shall be incorporated with this Act; and in order to discharge the principal money borrowed as aforesaid on security of any such rates, the Commissioners shall in every year pay off not less than one thirtieth part of any principal sum so borrowed.

CLX. The Commissioners shall from time to time, unless it be otherwise provided by the special Act, make the general sewer rate of such amount as will with the special sewer rates raise money sufficient not only to defray the current expenses of maintaining the sewers that shall have been purchased or made, but also to keep down the interest of any monies borrowed on security of the special and general sewer rate, and to pay off the principal of such monies within a period not longer than thirty years.

CLXI. Where by this or the special Act the Commissioners are authorized to order that any rate shall be levied by assessments to be made for separate and distinct districts, the Commissioners from time to time may order assessments to be made in respect of the rates authorized to be so levied upon separate and distinct districts, and in such case the Commissioners shall cause their surveyor to describe and define in the plan of the town or district within the limits of the special Act every such separate and distinct district for the purposes of separate rating as aforesaid, and so from time to time as occasion shall require.

CLXII. The Commissioners may in such case, instead of making one assessment for the whole town or district within the limits of the special Act, make separate and distinct assessments, as occasion shall require, for every such separate and distinct district respectively, and may appoint, if they see fit, surveyors, collectors, and other officers for every such district, and they shall cause separate and distinct accounts to be kept of all monies collected and received under any rate in each distinct district, and of all payments and disbursements in respect thereof, and they shall, unless otherwise provided by the special Act, apply the monies to be collected and received from each distinct district under any such rate as aforesaid for the several purposes to which the same may be lawfully applied under the authority of this and the special Act, but so nevertheless that each district shall, as near as may be, bear its own expenses; and in case any such expenses shall apply to or be incurred in respect of two or more districts the same shall be apportioned and divided between such districts, in a fair and equitable manner.

CLXIII. In all cases when the Commissioners have paid or become liable to the payment of any expenses in constructing or laying any drain or pipe from any house or building, or in providing any privy, ashpit, or cesspool for the use of the occupiers thereof, and when neither the owner nor occupier of such house or building is willing to defray the said expenses forthwith, the Commissioners shall lay drainage rates on the occupiers of such houses and buildings respectively, to be continued for six successive years and no longer; and the sum to be annually levied by every such drainage rate shall be one fifth part of the whole expense incurred in constructing, laying, or providing such drain, privy, ashpit, or cesspool as aforesaid, and shall be applied in satisfaction thereof; and the amount of any such drainage rate may be added to any other rate levied from the occupiers of such houses and buildings, and recovered therewith by the like ways and means.

CLXIV. Every occupier of any such house or building at a rent not less than the rack rent who has paid any such drainage rate shall be entitled to deduct three-fourths of the rate so paid by him from the rent payable by him to his landlord: every occupier at a rent less than the rack rent who has paid any such drainage rate shall be entitled to deduct from the rent payable by him to his landlord such proportion of three-fourths of the rate so paid by him as the rent payable by him bears to the rack rent.

CLXV. Every landlord, from whom any part of his rent has been deducted on account of such drainage rate, and who is himself liable to the payment of rent, shall be entitled to deduct from the rent payable by him such proportion of the sum so deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with

respect to every landlord receiving rent, and also liable to pay rent on account of such house or building; provided that no landlord, being also a tenant, shall be entitled under this provision to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

CLXVI. Without the written consent of the owner of any such house or building, the Commissioners shall not be empowered to expend during any term of six successive years more in the whole than one year's rack rent thereof in constructing or laying any such pipe or drain, or in providing any such privy, cesspool, or ashpit.

And with respect to the manner of making rates authorized by this or the special Act, it is enacted as follows:—

CLXVII. Every rate which the Commissioners are by this or the special Act authorized to make or levy shall be made and levied by them at yearly, half-yearly, or such other periods, as they think fit, upon every person who occupies any of the prescribed kinds of property, or (if no property be prescribed) any house, shop, warehouse, counting-house, coach-house, stable, cellar, vault, building, workshop, manufactory, garden, land or tenement whatsoever (except as hereinafter is excepted) within the limits of the special Act, or of the district where such rate is assessed on the occupiers of lands and buildings of a separate district as hereinbefore provided, according to the full net annual value thereof respectively; and the said rates shall be vested in the Commissioners, and shall be payable at such times as they appoint: Provided always, that every person occupying lands used as arable, meadow, or pasture ground only, or as woodlands or market gardens or nursery grounds, shall be rated in respect of the same in the prescribed proportion only, if no proportion be prescribed, in the proportion of one third part only of such net annual value thereof as aforesaid.

CLXVIII. Provided also, That no person shall be rated to any rate made in pursuance of this or the special Act, in respect of tithes, or of any church, chapel, meeting house, or other building exclusively used for public worship, or any building exclusively used for the purposes of gratuitous education of the poor or of public charity, or any building or land belonging to the Commissioners.

CLXIX. The Commissioners may make any such rate as aforesaid prospectively in order to raise money to pay charges and expenses to be incurred thereafter, or retrospectively in order to raise money to pay charges and expenses already incurred.

CLXX. The Commissioners from time to time, before proceeding to make any rate which by this or the special Act, or any Act incorporated therewith, they are authorized to levy, shall cause an estimate to be prepared of the money required for the several purposes in respect of which they are authorized to levy such rate, shewing the several sums required, the rateable value of the property assessable, and the rate on each pound of such value necessary to raise the money required, which estimate, after the same has been approved of by the Commissioners, shall be forthwith entered on the rate-book to be kept by the Commissioners as hereinafter provided.

CLXXI. Notice of the intention of making every rate authorized to be made under the provisions of this or the special Act, or any Act incorporated therewith, and of the time at which the same is intended to be made, and of a place where a statement of the proposed rate is deposited for inspection by the rate-payers, shall be given by the Commissioners by placards posted up in public places, and shall be advertised in some newspaper circulating within the limits of the special Act, in the week immediately previous to such rate being made, or as nearly so as may be.

CLXXII. Every such rate shall be fairly transcribed in a book to be kept for that purpose, and may be in the form given in the Schedule (A.) annexed to this Act, or as near thereto as the circumstances of the case will admit of; and every such rate shall contain an account of every particular set forth at the head of the respective columns so far as the same can be ascertained; and every such rate shall be signed by not less than six of the Commissioners.

CLXXIII. The statement of the proposed rate, and the rate immediately after the same is made, shall be open to the inspection of any person interested or rated in such rate at all reasonable times, and any such person may take copies or extracts from such statement or rate without paying anything for the same; and any person having the custody of such statement or rate who refuses or does not permit any person so interested or rated as aforesaid to take copies or extracts from such statement or rate shall for every such offence be liable to a penalty not exceeding 5*l*.

CLXXIV. The Commissioners may from time to time amend any rate made by virtue of this or the special Act by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier, or by inserting therein the name of any person who ought to have been rated, or by striking out the name of any person who ought not to have been rated, or by raising or reducing the sum at which any person has been rated, if it appear to them that such person has been under-rated or over-rated, or by making such other amendments therein as will make such rate conformable to this and the special Act, and no such amendment shall be held to avoid the rate: Provided always, that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in such rate, and no such alteration had been made; and as respects such person the rates shall be considered to have been made at the time when he received notice of such alteration; and every person whose rates are altered shall be entitled to seven days' notice of such alteration before the rate shall be payable by him.

CLXXV. The annual value of all property rateable under this or the special Act shall be ascertained according to the next preceding assessment for the relief of the poor within the limits of the special Act, except in such cases as are hereinafter mentioned.

CLXXVI. Provided always, That if at any time the rate for the relief of the poor within the limits of the special Act be in the judgment of the Commissioners an unfair criterion by which the said rates should be made, they may cause a valuation to be made of all the rateable property within the limits of the special Act, or of any such separate district as aforesaid, by some competent person appointed by them for that purpose, and the rates made by the Commissioners for the purposes of this Act shall be made upon such valuation; and in every such valuation the property rateable shall be computed at its net annual value,

as defined by an Act, 6 & 7 Will. 4. c. 96, intituled 'An Act to regulate Parochial Assessments,' or any other Act for the time being in force for regulating parochial assessment.

CLXXVII. Before any such valuation shall be made the person appointed to make it shall make and subscribe a solemn declaration to make such valuation fairly and impartially according to the best of his judgment, and an entry or minute shall be made in the book of proceedings of the Commissioners of the making and subscribing of such declaration, and of the date thereof, and any Justice to whom application is made for that purpose shall administer such declaration.

CLXXVIII. The Commissioners, or any person by them authorized, may from time to time inspect any of the rates for the relief of the poor in any parish, township, or other district within the limits of the special Act, and the books in which are contained all the assessments by which the same are made, and may take copies thereof or extracts therefrom respectively; and any person having the custody of such rates or assessments who does not suffer the Commissioners, or any person authorized by them, to inspect the same at reasonable times, or to take copies thereof or extracts therefrom, shall be liable to a penalty not exceeding 5*l.* for every such offence.

CLXXIX. When any property in respect of which the occupier would be liable to be rated to any sewer rate made under the provisions of this or the special Act is unoccupied at the time of making such rate, the Commissioners shall rate and assess the owner of such unoccupied premises to such rate, and every such owner shall pay the amount of such rate: Provided always, that nothing herein contained shall affect the right herein reserved to recover any arrears of such rates from any future occupier of such premises.

CLXXX. When any property in respect of which any person is liable to be assessed as occupier to any rate under the provisions of this or the special Act, or any Act incorporated therewith, other than the sewer rate is unoccupied at the time of making any such rate, the Commissioners shall in every such case include such property in the said rate, describing it in the column appropriated to the name of the occupier as being "empty"; and if any person afterwards occupy such property during any part of the period for which such rate was made, the Commissioners shall insert in such rate the name of such occupier, and collect from such occupier or from the owner, if he be liable to pay the same, a portion of the said rate proportioned to the time during which such person occupies such property, and every such person shall thereupon be deemed to all intents and purposes to be properly rated; and all such rates may be collected and recovered from the person liable to pay the same under the provisions of this or the special Act in the same manner as other rates made payable thereunder: Provided always, that any person whose name is so inserted in such rate, and such owner as last aforesaid, may appeal against such rate to the Justices at special sessions, or to the next Quarter Sessions holden after such insertion of his name as aforesaid admitting of such appeal, in the same manner as he might have appealed if named in the rate: Provided also, that, except as aforesaid, no rate other than the sewer rate shall be payable by any person in respect of unoccupied premises.

CLXXXI. The owners of all rateable property, of which the full net annual value does not exceed the prescribed sum, or where no sum is prescribed) the sum of 10*l.*, or which are let to weekly or monthly tenants, or in separate apartments, shall be rated to and pay the rates by this or the special Act directed to be made, instead of the occupiers thereof.

CLXXXII. Whenever the name of any owner liable to be rated under the provisions of this or the special Act is not known to the Commissioners, or to the person making the rates, it shall be sufficient to rate such owner in the rate-book of the Commissioners as the owner of the property to be rated by the designation of "the owner," without stating his name.

CLXXXIII. Provided always, That when any owner is rated in respect of any rateable property in the occupation of any tenant under any lease or agreement made prior to the passing of the special Act, such tenant shall repay to the owner all sums paid by him during the continuance of such lease on account of any rates under this or the special Act payable by the occupier, unless it have been agreed that the owner shall pay all rates in respect of such property; and every sum so payable by the tenant to the owner may be recovered, if not paid upon demand, as arrears of rent could be recovered from the occupier by the said owner.

CLXXXIV. Provided also, that the occupiers of any rateable property, being tenants thereof, from year to year, may demand to be assessed for the same, and to pay the rates in respect thereof made under the authority of this or the special Act, and the Commissioners shall assess every such occupier so long as he duly pays the said rates.

And with respect to the appeal to be made against any rate, it is enacted as follows:—

CLXXXV. If any person think himself aggrieved by any rate on the ground of inequality, unfairness, or incorrectness in the valuation of any rateable property included therein, or in the amount assessed thereon, he may at any time within one month after such rate is made appeal to the Justices at any special sessions holden for the division within which the rateable property is situated for the purpose of considering appeals against the poor-rates, or in Ireland may appeal to the Justices of the petty sessions of the district, or to the Justices acting for the district, within which the rateable property is situated; but no such appeal shall be entertained by such Justices unless seven days' notice in writing of such appeal be given by the aggrieved party to the Commissioners; and at the sessions for which such notice is given, or any adjournment thereof, the Justices there present shall hear and determine all objections to any such rate on the ground of inequality, unfairness, or incorrectness in the valuation of any property included therein, or in the amount assessed thereon, of which notice has been so given, but no other objection; and their decision shall be final, unless the party impugning such decision, within fourteen days after the same is made, give notice in writing to the other party of his intention to appeal against such decision, stating in such notice the nature and grounds of such appeal, and within five days after giving such notice enter into a recognizance before some Justice of the Peace, with sufficient sureties conditioned to try such appeal at the then next Quarter Sessions at which the same can be tried, and to abide the order of and pay such costs as shall be awarded by the Court at such sessions, or any adjournment thereof.

CLXXXVI. If any person think himself aggrieved by any rate made under the authority of this or the special Act, or by any matters included in or omitted from the same, he may, at any time within one month after the same is made, give notice of his intention to appeal to the next Quarter Sessions holden not less than fourteen days after such notice; but no such appeal shall be entertained at such Quarter Sessions unless fourteen days' notice in writing of such appeal stating the nature and grounds thereof be given by the aggrieved party to the Commissioners: Provided always, that no such notice of appeal shall prevent the issuing of the warrant of distress for recovery of any such rate as hereinafter provided, or the execution thereof.

CLXXXVII. The Court shall hear and determine the appeal in a summary way at the Quarter Sessions for which any such notice of appeal is given, or at the following sessions, when the Court thinks fit to adjourn the appeal to the following sessions, and the decision of the Court shall be final and conclusive on all parties.

CLXXXVIII. No order of the said Justices shall be of any force pending any appeal touching the same subject-matter to the Court of Quarter Sessions having jurisdiction to try such appeal, or in opposition to the order of any such Court on such appeal.

CLXXXIX. The said Justices and the Court of Quarter Sessions respectively shall in any such appeal as aforesaid have the same powers of amending or quashing the rate in respect of which the appeal is made as are by law vested in Courts of Quarter Sessions for amending or quashing the rates for the relief of the poor within their jurisdiction upon appeals against such rates, and shall likewise have respectively, in any appeal against any rate made under the authority of this or the special Act, the same powers of awarding costs to be paid by or to any of the parties to the appeal, and of recovering such costs, as are now vested in them respectively for awarding and recovering costs in an appeal against any rate for the relief of the poor within their jurisdiction: Provided always, that if the said Justices or Court shall quash the rate in respect of which the appeal is made, then, notwithstanding the quashing of such rate, all sums of money charged by such rate on any person charged by such rate may, if the Justices or Court so order, be levied by such means and in the same manner as if no appeal had been made against such rate; and the money which any person charged on such rate pays, or which is recovered from him, shall be taken as a payment on account of the next effective rate made on him for the same purposes for which the rate so quashed was made.

CXC. No order of the said Justices or Court of Quarter Sessions upon any such appeal as aforesaid shall be removed by certiorari or otherwise into any of Her Majesty's courts of record at Westminster.

And with respect to the recovery of rates, it is enacted as follows:—

CXCI. If any person rated under the authority of this or the special Act fail to pay any of the said rates due from him for the space of fourteen days after demand thereof in writing by the Commissioners or their collector, any Justice, on the application of the Commissioners or their collector, may summon such person to appear before him at a time to be mentioned in the summons to shew cause why the rates due from him should not be paid; and in case no sufficient cause for the non-payment of such rate be shewn, the same shall be levied by distress, and such Justice shall issue his warrant accordingly, or the Commissioners may recover the same by action of debt; provided that if no sufficient distress whereon to levy the amount due in respect of such rates can be found within the jurisdiction of the said Justice, then, upon oath thereof made before any Justice of any other county or jurisdiction in which any goods or chattels of the person not paying the said rates may be found, such Justice shall certify the said oath by indorsing the said warrant, and thereupon the amount due in respect of the said rates, and unpaid by the said person, may be levied by distress of the goods and chattels of such person as assessed in the last-mentioned county or jurisdiction.

CXCII. The warrant of distress for the recovery of any rate made payable by this or the special Act may be in the form or to the effect mentioned in Schedule (B) to this Act annexed; and in all cases where a distress is hereby authorized to be made, every constable authorized by the warrant to levy any sum mentioned therein shall, upon being required by a collector of the rates, aid in making a distress or sale pursuant to such warrant; and every constable who refuses to do so shall be liable to a penalty not exceeding 5*l*.

CXCIII. In any proceeding to levy and recover or consequent on the levying or recovering of any rate under the provisions of this or the special Act, the books of rates of the Commissioners, and all entries made therein in manner by this or the special Act directed, by the production thereof alone, and without any evidence that the notices and other requirements of this or the special Act have been given or complied with, or proof of the seal of the Commissioners if they are incorporated, or if not, then on proof of the signatures of the Commissioners whose names appear thereon or subscribed therein, shall be received as evidence of such rate and of the contents thereof.

CXCIV. If any person quit or be about to quit any rateable property before he has paid the rates then payable by him in respect thereof, and do not pay the same to the Commissioners or their collector on demand, any Justice having jurisdiction where such person resides, or his goods are found, may summon such person to appear before him at a time mentioned in the summons to shew cause why the rates should not be paid, and if no sufficient cause for the non-payment of such rates be shewn accordingly the same shall be levied by distress, and such Justice shall issue his warrant accordingly.

CXCV. When any rate has been made for a particular period, and the owner or occupier who is rated to such rate ceases to be the owner or occupier of the property in respect whereof he is rated before the end of such period, such owner or occupier shall be liable to pay a portion only of the rate payable for the whole of such period proportionate to the time during which he continued to be owner or occupier; and in every such case if any person after the making of such rate become the owner or occupier of any property so rated as aforesaid during part of the period for which such rate was made, such person shall pay a portion of such rate proportioned to the time during which he held or occupied the property so rated, and the same shall be recovered from him in the same manner as if he had been originally rated for such property.

CXCVI. When the owner of any rateable property is rated in respect thereof under the authority of this or the special Act and the rate remains unpaid for three months, the Commissioners or their collector may demand the amount of such rate from the occupier for the time being of such rateable property, and on non-payment thereof may recover the same by distress and sale of his goods and chattels in like manner as rates may be recovered from the occupier of any property liable to be rated; and every such occupier shall be entitled to deduct from the rent payable by him to such owner so much as was so paid by or recovered from him.

CXCVII. Provided always, That no such occupier shall be required to pay, nor shall his goods and chattels be distrained for, any further sum than the amount of rent due from him at the time of the demand made upon him for such amount of rate, or which after such demand, and after notice not to pay the same to his landlord, at any time accrues and becomes payable by him, unless he refuse, on application being made to him for that purpose by or on behalf of the Commissioners, truly to disclose the amount of his rent, and the name and address of the person to whom such rent is payable; but the burthen of proof that the sum demanded from any such occupier is greater than the rent due by him at the time of such notice, or which has since accrued, shall lie upon such occupier.

CXCVIII. If, on the request of the Commissioners, or of the collector of the said rates, the occupier of any property refuses or wilfully omits to disclose, or wilfully mis-states to the Commissioners or collector making such request, the name of the owner of such property, or of the person receiving or authorized to receive the rents of the same, any Justice of the Peace, on oath made before him of such request, and of such refusal or wilful omission or mis-statement, may summon the person who has so refused or wilfully omitted or mis-stated as aforesaid to appear at a time and place to be mentioned in such summons before such Justice, or before some other Justice; and if the person so summoned neglect or refuse to attend at the time and place mentioned in the summons, or if he attend and do not shew good cause to the Justice then present for such his refusal or wilful omission or mis-statement, such Justice, upon proof, in case of the neglect or refusal to attend as aforesaid, of the due service of the said summons, or on such attendance, may impose a penalty upon such person who has so refused, or wilfully made such omission or mis-statement, not exceeding the sum of 5*l*.

CXCIX. The several persons who at the time of the passing of the special Act are surveyors of highways for any township or other district within the limits of the special Act, may proceed for the recovery of any highway rate made in such township or district, and then remaining unpaid, in the same manner as they might have done if this and the special Act had not been passed, and they shall apply the money which they so recover, in the first place, in reimbursing themselves any expenses which they have incurred as such surveyors as aforesaid, and in discharge of any debts legally owing from them in respect of the highways within such township or district; and the surplus, if any, arising from any buildings or lands within the limits of the special Act, or a proportionate part thereof, shall be paid by them to the treasurer to the Commissioners, and shall be applied to the same purposes as the rates by this or the special Act authorized to be levied are directed to be applied.

And with respect to the bye-laws to be made by virtue of this or the special Act, it is enacted as follows:—

cc. The Commissioners may from time to time make such bye-laws as they think fit for the several purposes for which they are hereinbefore or by the special Act empowered to make bye-laws, and from time to time repeal, alter, or amend any such bye-laws, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or the provisions of this or the special Act, and be reduced into writing, and have affixed thereto the common seal of the Commissioners if they be a body corporate, or the signatures of two of the Commissioners if they be not a body corporate, and, if affecting other persons than the officers or servants of the company, be confirmed and published as herein provided.

ccI. The Commissioners, by the bye-laws so to be made by them, may impose such reasonable penalties as they think fit not exceeding 40*s*. for each breach of such bye-laws: Provided always, that such bye-laws be so framed as to allow the Justices before whom any penalty imposed thereby is sought to be recovered to order the whole or part only of such penalty to be paid, or to remit the whole penalty.

ccII. No bye-law made by the Commissioners under the authority of this or the special Act, except such as relate solely to the Commissioners or their officers or servants, shall come into operation until the same be confirmed in the prescribed manner, and if no manner of confirmation be prescribed, then not until it be allowed by some Judge of one of the superior courts, or by the Justices in Quarter Sessions; and it shall be incumbent on such Justices, on the request of the Commissioners, to inquire into any bye-laws tendered to them for that purpose, and to allow or disallow of the same as they think meet.

ccIII. No such bye-law shall be confirmed unless notice of the intention to apply for a confirmation of the same have been given in one or more newspapers circulating within the limits of the special Act one month at least before the hearing of such application; and any person desiring to object to any such bye-law, on giving to the Commissioners notice of the nature of his objection ten days before the hearing of the application for the allowance thereof, may, by himself or his counsel, attorney or agent be heard thereon, but not so as to allow more than one objecting party to be heard on the same matter of objection.

ccIV. For one month at least previous to any such application for confirmation of any bye-law a copy of the proposed bye-laws shall be kept at the principal office of the Commissioners, and all persons may at all reasonable times inspect such copy without fee or reward; and the Commissioners shall furnish every person who applies for the same with a copy thereof, or of any part thereof, on payment of sixpence for every one hundred words so to be copied.

ccV. Such bye-laws, when confirmed, shall be published in the prescribed manner, and when no manner of publication is prescribed they shall be printed, and the clerk to the Commissioners shall deliver a printed copy thereof to every person applying for the same without charge; and a copy thereof shall be painted or placed on boards, which shall be hung up on the front or in some conspicuous part of the principal office of the Commissioners, and also on some conspicuous part of the works or

locality to which the same relate; and such boards, with the bye-laws thereon, shall be from time to time renewed as occasion requires, and shall be open to inspection without fee or reward; and any such clerk who does not allow the same to be inspected at all reasonable times shall for every such offence be liable to a penalty not exceeding 5*l*.

CCVI. Such bye-laws, when so confirmed and published, shall be binding upon and be observed by all parties, and shall be sufficient to justify all parties acting under the same.

CCVII. The production of a written or printed copy of the bye-laws requiring confirmation by a Judge of the superior courts or the Court of Quarter Sessions, authenticated by the signature of the Judge or of the chairman of the Court which approved of the same, and a written or printed copy of the bye-laws not requiring such confirmation authenticated by the common seal of the Commissioners, if they be incorporated, or, if not incorporated, authenticated by the signatures of two Commissioners, shall be evidence of the existence and of the due making of such bye-laws in all prosecutions under the same, without adducing proof of the signature of such Judge or chairman, or the common seal or signatures of the Commissioners; and with respect to the proof of the publication thereof it shall be sufficient to prove that a board containing a copy thereof was affixed and continued in the manner by this Act directed, and in case of its being afterwards displaced or damaged, that such board was replaced or restored as soon as conveniently might be, unless proof be adduced by the party complained against that such painted board did not contain a copy of the bye-law under which he is prosecuted, or that it was not duly affixed or continued as required by this Act.

CCVIII. Any person who destroys, pulls down, injures, or defaces any board on the premises of the Commissioners on which any bye-law of the Commissioners is painted or placed shall for every such offence be liable to a penalty not exceeding 5*l*.

And with respect to the tender of amends, it is enacted,—

CCIX. That if any party have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender have been made it shall be lawful for the defendant by leave of the Court where such action is pending, at any time before issue joined, to pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, it is enacted as follows:—

CCX. The clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to Justices, shall be incorporated in this and the special Act; and such clauses shall apply to the town or district within the limits of the special Act, and to the Commissioners, and shall be construed as if the word "Commissioners" had been inserted therein instead of the word "Company."

CCXI. Provided always, That in Ireland, in the case of any penalty imposed by Justices, where the application is not otherwise provided for, such Justices may award not more than one half of such penalty to the informer, and shall award the remainder to the guardians of the poor of the union within which the offence was committed, to be applied in aid of the poor rates of such union.

CCXII. All things herein or in the special Act, or any Act incorporated herewith, authorized or required to be done by two Justices, may and shall be done by any one magistrate having by law authority to act alone for any purpose with the powers of two or more Justices.

CCXIII. Every person who, upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

And with respect to affording access to the special Act, it is enacted as follows:—

CCXIV. The Commissioners shall at all times, after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them, and shall also within the space of such six months deposit in the office of the clerk of the peace of the county in which the town or district within the limits of the special Act is situated a copy of such special Act, so printed as aforesaid; and the said clerk of the peace shall receive, and he and the Commissioners respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled, 'An Act to compel Clerks of the Peace for Counties and other persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

CCXV. If the Commissioners shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit 20*l*. for every such offence, and also 5*l*. for every day afterwards during which such copy is not so kept or deposited.

CCXVI. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XXXV.—IRELAND.

AN ACT to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-eight, and to the End of the then Session of Parliament, certain Acts for regulating Turnpike Roads in *Ireland*.

(21st June 1847.)

I. By this Act the Acts for making, &c., turnpike roads in Ireland which will expire on 31st July 1847, &c., are further continued.

II. Act may be amended, &c.

CAP. XXXVI.

AN ACT for allowing the Subscriptions to the Loan of Eight Millions raised in the Year One thousand eight hundred and forty-seven to be paid up under Discount.

(21st June 1847.)

This ACT contains the following clauses :—

I. Contributors to the loan of 8,000,000*l.* to be allowed interest on instalments paid on or before 10th September 1847.

II. Warrants to be issued for 3 per cent. consols. to the credit of parties on or before 2nd July for dividends due 5th July 1847.

CAP. XXXVII.

AN ACT for limiting the Time of Service in the Army.

(21st June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *After the passing of this Act the period for enlistment for a soldier limited.*
2. *Repealing certain questions in Schedule to 10 & 11 Vict. c. 12, and substituting those contained in Schedule (A.) to this Act annexed.*
3. *Soldiers, at any time during the last six months, or on completion of term of limited service, may be re-engaged.*
4. *Soldiers ordered on foreign service, within three years of expiration of first engagement may be re-engaged for a further term.*
5. *If terms of limited services expire while soldiers are on any foreign station, they may be prolonged for a further time.*
6. *If at the expiration of such terms of service soldiers are unwilling to re-engage themselves, they shall be conveyed home.—If soldiers desire to remain in the colony, governor, &c., may permit them so to do.*
7. *If term of enlistment of soldier expire after any offence committed, &c., he shall be deemed to be in the service till after trial, &c., for the same.*
8. *If soldiers are absent from duty by reason of imprisonment, &c., such portion of time not to be reckoned as part of limited enlistment.*
9. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient to amend the system of enlistment now in use in Her Majesty's land forces :—

It is Enacted,

1. That after the passing of this Act no person shall be enlisted to serve Her Majesty, or in the forces of the East India Company, as a soldier for a longer term than ten years in the infantry, or twelve years in the cavalry, or artillery, or other ordnance corps, to be reckoned from the day on which the recruit shall have been attested, if he shall have stated himself to be then of the age of eighteen years, or if not, then from the day on which he will complete the age of eighteen years, to be reckoned according to the age stated in his attestation.

II. That such of the questions relative to enlistment as are contained in the Schedule of an Act, 10 & 11 Vict. c. 12, intituled 'An Act for Punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters,' as relates to the enlisting and attesting of soldiers, shall be repealed; and that in all cases of enlistment to serve Her Majesty or the East India

Company the question directed to be put on the attestation of recruits, as to their willingness to serve, shall be in the form contained in Schedule (A.) hereto annexed.

III. That any soldier, at any time during the last six months of the term of limited service for which he shall have first engaged, or after the completion of such term, may, if approved by his commanding officer, or other competent military authority as a fit person to continue in Her Majesty's service, or in the service of the East India Company, as a soldier, be re-engaged to serve for the further term of eleven years in the infantry, and twelve years in the cavalry or artillery or other ordnance corps, upon making a declaration in the form given in the Schedule marked (B.) and annexed to this Act before any one of Her Majesty's Justices of the Peace in Great Britain or Ireland, or, if not in Great Britain or Ireland, before any person duly appointed by Her Majesty, by any warrant signed by the Secretary at War in that behalf, to enlist and attest out of Great Britain and Ireland any soldiers or persons desirous of enlisting or re-enlisting into Her Majesty's service.

IV. Provided and enacted, That any soldier who shall be ordered on foreign service, and who is within three years of the expiration of his first engagement, shall be at liberty, with the approbation of his commanding officer, to re-engage, before he embarks for such foreign service, for such period as shall complete a total service of twenty-one years in the infantry or twenty-four years in the cavalry or artillery, according to the form given in Schedule (B.) and annexed to this Act.

V. Provided and enacted, That if either the first or second term of limited service for which any soldier shall have so engaged shall expire while he is serving on any foreign station, the said first or second term of limited service may be prolonged for such further time, not exceeding two years, as shall be directed by the commanding officer on such foreign station; and that any soldier who shall give notice to his commanding officer, after completing his second term of limited service, that he is desirous of continuing in Her Majesty's service, or in the service of the East India Company, and being approved by his commanding officer or other competent military authority, may be continued in such service as a soldier so long as he shall desire to be so continued, and until the expiration of three calendar months after he shall have given notice to his commanding officer of his wish to be discharged, and for that purpose shall be considered in all respects, during such time, as if his term of service were still unexpired.

VI. Provided and enacted, That if at the expiration of such first or second term of limited service, or of such term of prolonged service, any soldier entitled to his discharge, being on any foreign station, shall not be willing to re-engage or to continue in Her Majesty's service, or in the service of the East India Company, the commanding officer of the regiment in which he may be serving shall, as in the case of soldiers invalided, take the usual measures, with all convenient dispatch, for the conveyance of such soldier to England, and on the arrival of such soldier in England he shall be finally discharged: Provided always, that during such time as may elapse between the expiration of such terms of service as aforesaid and his final discharge in England such soldier shall remain subject to all the provisions of any Act which may be then in force for punishing mutiny and desertion, as fully as he may have been subject thereto before the expiration of such terms of service: Provided also, that if at the expiration of any such first or second term of limited service, or of such term of prolonged service, any soldier being in any of Her Majesty's colonies shall claim his discharge, and shall signify to the governor of such colony, through the commanding officer of the regiment in which he may be serving, his desire to remain in such colony, it shall be lawful for such governor, if he shall think fit, with the consent of such commanding officer, to permit such soldier to remain therein, and thereupon such soldier shall be finally discharged, and shall not be entitled to claim to be conveyed to England at the public charge at any future period.

VII. That if the term for which any non-commissioned officer or soldier shall have been enlisted or re-engaged, or for which his term of service may have been prolonged as aforesaid, shall expire after any offence committed by him, and before he has been tried or punished for the same, such non-commissioned officer or soldier shall, notwithstanding the expiration of his term of service, be deemed and taken to be still in Her Majesty's service, or in the service of the East India Company, as the case may be, for the purpose of undergoing his trial and punishment, but for no other purpose: Provided always, that no non-commissioned officer or soldier shall be so tried after the expiration of his service, except by a general or district or garrison court-martial.

VIII. That if any non-commissioned officer or soldier shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement, or prolongation of service by reason of his imprisonment, whether under sentence of a court-martial or of any other court duly authorized to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or soldier was enlisted or re-engaged, or for which his term of service may have been prolonged as aforesaid; and if any non-commissioned officer or soldier shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service by reason of his having been made a prisoner of war, the circumstances under which he was so made a prisoner shall, on his rejoining Her Majesty's service, or the service of the East India Company, be subjected to inquiry by a court-martial, and if it shall appear to the satisfaction of the Court that he was taken prisoner through his own wilful neglect of his duty, or that he has or has not returned to his duty so soon as he could and ought to have returned, the Court may by its sentence direct that all or any part of the time during which such non-commissioned officer or soldier shall have been so absent may be deducted from his term of service.

IX. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

QUESTIONS to be put by the JUSTICE to a RECRUIT ON ENLISTING.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?

3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of _____ for the Term of [this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed, in putting the Twelfth Question to the Recruit, and before he receives his answer, distinctly to apprise the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

Enlisting for Service in Her Majesty's Colonies.

Question 8. is to be put by the Justice as follows:—

8. Are you willing to be attested to serve in Her Majesty's Colony of _____ for the Term of [this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for either Her Majesty's or the East India Company's Service.

Question 8. is to be put by the Justice as follows:—

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be).] provided your Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

Enlisting for the East India Company's Service.

Question 8. to be put by the Justice as follows:—

8. Are you willing to be attested to serve in the East India Company's * _____ for the Term of [this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

SCHEDULE (B.)

I, _____ Number _____ do declare, That I am at present (or was, as the Case may be,) _____ in
 Captain _____ Company in the _____ Regiment; that I enlisted on the _____ Day of
 for a Term of _____ Years; that I am of the Age of _____ Years; and that I will serve Her
 Majesty, Her Heirs and Successors, [or in the Forces of the East India Company, as the Case may be,] for a further Term of
 _____ Years [to be filled up with Eleven Years in the Infantry, and Twelve in the Cavalry or Artillery or
 other Ordnance Corps, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall

be required to complete a total Service of Twenty-one Years in the Infantry, or Twenty-four in the Cavalry or Artillery or other Ordnance Corps,] provided my Services should so long be required, and also for such further Term, not exceeding Two Years as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me,

Signature of Soldier.
Signature of Witness.

CAP. XXXVIII.

AN ACT to facilitate the Drainage of Lands in *England and Wales*.

(21st June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. Inclosure Commissioners to be the Commissioners to carry this Act into execution, and officers, &c. appointed under 8 & 9 Vict. c. 118, to assist in the same.
2. Powers of recited Act to extend to this Act.
3. Commissioners to make reports to Secretary of State, and to both Houses of Parliament.
4. Persons desirous of draining land may memorialize Commissioners for authority to effect the same under provisions of this Act.—Map or plan, schedules, and estimates to be annexed to memorial.—Memorial, &c. to be deposited, and open to inspection.
5. Notices to be given that memorial, &c. has been deposited.—Notices of objections to be sent to Commissioners in writing.
6. Commissioners may require security for payment of costs of inquiries.
7. Commissioners to appoint an assistant Commissioner to examine and hear objections.
8. Assistant Commissioner to report to Commissioners, who shall consider proposed drainage.—Commissioners may, by order under their seal, authorize the execution of the proposed works as allowed by them.
9. Persons authorised to execute works may enter upon lands for that purpose.—No entry to be made on land without consent until compensation is made.
10. Power to purchase lands for sites of engine houses, &c.
11. The Lands Clauses Consolidation Act, 1845, (8 & 9 Vict. c. 18,) incorporated with this Act.
12. Streams supplying ornamental waters not to be interfered with without consent.
13. Copies of orders of Commissioners authorizing execution of works to be deposited.—Copies of orders to be open to inspection, &c.
14. Where, by neglect of parties to join in maintaining, &c. banks lying near certain lands, occupiers may, after giving notice, maintain the same, and recover the expenses.
15. No entry to be made on the lands of occupier neglecting to maintain banks, &c. without warrant of two Justices.
16. Expenses and costs of adjudication of Justices may be levied by distress.
17. Distress not unlawful for want of form.
18. Nothing to affect rights of Commissioners, &c. of Sewers or Drainage.—Persons interested in lands authorized to be drained under any local Act may have the same drained under the provisions of this Act.
19. No person acting under this Act to construct works, &c. on the sea shore without consent of the Admiralty.
20. Definition of terms.
21. Act may be amended, &c.

By this Act,

After reciting that it is expedient that provision should be made for promoting the drainage of lands in *England and Wales*—

It is Enacted,

i. That the Inclosure Commissioners for *England and Wales* shall be the Commissioners to carry this Act into execution, and that the assistant Commissioners, secretary, clerks, messengers, and officers who may be from time to time appointed under the provisions of 8 & 9 Vict. c. 118, intituled 'An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases,' shall assist in carrying this Act into execution, in like manner as if the matters and proceedings by this Act directed or authorized were matters and proceedings directed or authorized by the said recited Act.

ii. That all the powers by the said recited Act given to the assistant Commissioners to require the attendance of witnesses, to administer or receive declarations and examine witnesses, and to cause to be produced before them writings and documents, and the power given to the said Commissioners to delegate to the assistant Commissioners, or to any one or more of them, the powers given to such Commissioners, except the power to do any act required to be done under the seal of the Commissioners, shall be applicable to and may be exercised for the purposes of this Act as fully and effectually as if the matters and proceedings hereby authorized or directed to be done and taken by the Commissioners, or by any assistant Commissioner, were matters and proceedings authorized or directed to be done and taken under the said recited Act.

iii. That the said Commissioners shall from time to time give to any one of Her Majesty's principal Secretaries of State such information respecting their proceedings under this Act as such principal Secretary of State shall require, and shall once in every

year send to one of the principal Secretaries of State a general report of such proceedings, and every year such general report shall be laid before both Houses of Parliament within six weeks after the receipt of the same by such principal Secretary of State if Parliament be sitting, or if Parliament be not sitting then in six weeks after the next meeting thereof.

iv. That where any land shall be capable of being drained or improved by drainage or warping, by means of works to be executed on the same and other lands, for obtaining or improving the outfall or otherwise, it shall be lawful for any persons interested in the land so capable of being drained or improved, and who shall be desirous for that purpose to execute all or any of the works hereinafter mentioned, and shall be unable to execute such works by reason of the objection or disability of any person whose land would be entered upon, cut through, or interfered with by or for the purpose of such works, to apply by memorial to the Commissioners, shewing the means by which such land may be drained or such improvement may be effected, and praying for authority to effect such drainage or improvement under the provisions of this Act; and to such memorial shall be annexed a map or plan shewing the land to which such application shall relate, and the land and property required to be entered upon, cut through, or interfered with for the purposes of such drainage or improvement, or likely to be affected by the proposed works, and also the rivers, watercourses, ditches, and drains intended to be cleared, scoured, deepened, or embanked, and the proposed variations, diversions, abridgments, or enlargements of the same, and the new cuts, embankments, drains, watercourses, and other works proposed to be made, and the engines and machinery proposed to be erected for the purposes of such drainage or improvement, and also schedules shewing the reputed proprietors, lessees and occupiers of the lands proposed to be drained and improved, and the lands and property required to be entered upon, cut through, or interfered with respectively for the purposes of such drainage or improvement, and also an estimate of the expense of the proposed works, engines, and machinery, including the probable amount of money payable as purchase and compensation money in respect of the land and property required to be entered upon, cut through, or interfered with, and also a statement of the actual condition of the lands proposed to be drained or improved, and of the probable increased value of the land consequent upon the proposed works; or in case it shall appear to the Commissioners that a correct judgment can be formed on the proposed means of drainage or improvement without a map or plan and estimates, including the whole of the land to which such memorial shall relate, then a map or plan shewing only the proposed works, or such other map or plan as the Commissioners shall think necessary, and such memorial, or some schedule thereto, shall also shew the person by whom the works are proposed to be executed; and the persons by whom such application shall be made shall, upon the request of the Commissioners, furnish such further details in respect of the said map or plan, schedules, estimates, and statements, or any of them, as the Commissioners shall think fit for their guidance in the matter of the memorial; and the persons by whom such application shall be made shall cause copies of the said memorial, map, or plan, schedules, estimates, and statements, or of such of them as shall have been furnished to the Commissioners under the provisions hereinbefore contained, to be deposited in such convenient place or places as the Commissioners shall approve within or near the parish or one of the parishes in which the land to which such application shall relate shall be situate, there to remain open for public inspection for a period of one month; and the deposit of such copies shall be certified to the Commissioners in such manner as they shall require; and all persons shall be at liberty to inspect and make copies of or extracts from the said memorial, map, or plan, schedules, estimates, and statement, or any of them, and copies thereof or extracts therefrom shall be made by such person as the Commissioners shall direct for any person who shall require the same, on payment of the costs of making such copies or extracts.

v. That the Commissioners shall require the persons making such application as aforesaid to cause a notice of such memorial having been presented, and of the parishes in which works are by such memorial proposed to be executed, and of the places in which copies of the said memorial, map, or plan, schedules, estimates, and statements, have been deposited as aforesaid, to be given by advertisement twice in one or more newspapers circulated in the county in which such works are proposed to be executed, and to cause a like notice to be served on all persons not parties to the said application whose lands are proposed to be entered upon, cut through, or interfered with; and such service shall be either personally on the lessee or occupier of such land, or by leaving such notice at the usual or last known place of abode of such lessee or occupier, and also cause a like notice to be served on the proprietor or reputed proprietor of such land, or his agent, either personally or by leaving the same at his usual or last known place of abode; and by such notice all parties interested or in any way affected by the proposed works shall be required, on or before a day to be therein named, not sooner than six weeks from such publication and service as aforesaid of such notice, to transmit in writing to the Commissioners all objections which such parties shall think fit to make with respect to any thing by the said memorial proposed to be done under the provisions of this Act.

vi. That the Commissioners may in every case, before they shall proceed to act or inquire on or in relation to any such memorial as aforesaid, require such provision or security to be made or given as they shall think fit for the payment by the parties making the application of all costs incident to or to be occasioned by the inquiries and proceedings in relation thereto.

vii. That in every case in which there shall have been transmitted to the Commissioners objections to anything by the said memorial proposed to be done the Commissioners shall appoint an assistant Commissioner to inspect the lands proposed to be drained or improved, and the lands intended to be entered upon, cut through, interfered with, or affected by the works in such memorial mentioned; and the Commissioners shall, if they shall think necessary, call one or more public meetings, of which twenty-one days' notice at the least shall be given to any person who may have notified his objection to the Commissioners, and by advertisement in one or more newspapers circulated in the county in which such works are proposed to be executed, of all persons likely to be affected by any of the works proposed to be executed for such drainage or improvement, to be held on such day or days subsequent to the expiration of such period of six weeks, and at such convenient place or places within the parish or one of the parishes wherein such land so to be drained or improved shall be situate, or in the vicinity thereof, as the said Commissioners shall specify in such notice; and at the time and place named in such notice as aforesaid the assistant Commissioner, so appointed as aforesaid, shall attend and shall have power to adjourn any meeting from time to time, or hold any new meeting as he may find necessary, and shall inquire into the correctness of the schedules containing the names of such reputed proprietors, lessees, and occupiers as aforesaid, and shall inquire whether the notices by the Act required shall have been duly given and served, and shall hear and inquire into all such objections as shall have been or shall be then and there made by any person

or persons interested in any land likely to be affected by anything by such memorial proposed to be done; and the said assistant Commissioner shall receive and hear all such evidence as may be offered to him in relation to the several matters aforesaid.

VIII. That the assistant Commissioner appointed as aforesaid shall report his opinion on the proposed drainage or improvement, and on the objections thereto, with the evidence taken by him at the meeting or meetings (if any shall be held as aforesaid), or otherwise, to the Commissioners, and the Commissioners shall consider the proposed drainage or improvement, and such objections as may have been made thereto, and may make further inquiries, and take further evidence in relation thereto, if they shall think fit; and in case they shall be of opinion that such drainage or improvement may be effected without material detriment to the lands proposed to be cut through or affected, that or the damage to the lands so proposed to be cut through or affected, may be adequately and effectually compensated under the provisions of this Act, they may allow such works according to the proposal in such memorial contained, or with such alterations therein as they may think fit; and it shall be lawful for the Commissioners by an order under their seal, to authorize the persons by whom such application shall have been made, or any of them, or any other person or persons to be named or described by the Commissioners in such order, to execute the proposed works, as the same shall have been allowed as aforesaid, within a time to be limited in such order; and such order, or some plan thereunto annexed, shall specify or describe the works thereby authorized to be executed; and the person or persons authorized in this behalf by such order, or the person or persons who shall be authorized by any supplementary order of the Commissioners, shall have full power to execute the works in such order specified and authorized according to the terms and intent of such order, and to maintain such works for ever thereafter, subject nevertheless to the provisions hereinafter contained, and making compensation, to be ascertained in manner hereinafter mentioned, to all persons for any damage occasioned to them by the exercise of the powers granted by such order, or any of them.

IX. That it shall be lawful for the person or persons authorized as aforesaid to enter into and upon any land in the order of the Commissioners, or the plan thereunto annexed, described or shewn, and in conformity with the terms of such order, but not otherwise, to widen, straighten, deepen, divert, scour, or cleanse any river, stream, ditch, or drain, brook, pool, or watercourse, and to make, open, and cut any new watercourse, side cut, ditch, or drain, and to alter or remove any bank, sluice, floodgate, clough, hatch, weir, dam, or other obstruction, and to make or erect any bank, sluice, floodgate, hatch, ditch, drain, tunnel, or other works necessary or convenient for drainage or for warping, and to dam, bar, and stop up with any weir or dam any river or watercourse, and to erect and maintain on such land steam and other engines and machinery: Provided always, that no entry shall be made on any land for the purposes aforesaid, except with the consent of the proprietors thereof, until the amount of compensation for the damage to be occasioned by such entry, and by the execution and maintenance of the works authorized as aforesaid, shall have been agreed upon or ascertained, as the case may be, and paid, under the provisions hereinafter contained or agreed to.

X. That it shall be lawful for the Commissioners by any such order as aforesaid to authorize any person or persons therein mentioned to purchase and take, as the site of any engine house, or for any other purpose necessary for the works thereby authorized, any land, not being in any park or pleasure ground, in such order to be described; provided always, that not more than three acres be purchased or taken under this clause otherwise than by agreement; and all the provisions of "The Lands Clauses Consolidation Act, 1845," with respect to the purchase of land otherwise than by agreement shall apply to the purchase of any land not exceeding three acres which shall be specially described in such order, and which shall be thereby authorized to be taken otherwise than by agreement; and the provisions of the last-mentioned Act with respect to the purchase of land by agreement shall apply to the purchase of any land by such order authorized to be purchased, except as aforesaid; and all lands to be purchased or taken under this clause shall be conveyed to or held by such persons and upon such trusts as the Commissioners shall by such order direct.

XI. That the compensation to be paid for the damage or injury to any lands which may be entered upon, cut through, or interfered with under any such order of the Commissioners as aforesaid, may be agreed upon with the persons and in the manner provided by "The Lands Clauses Consolidation Act, 1845," with respect to the purchase of land otherwise than by agreement; and the persons who in such order of the Commissioners shall be authorized to execute the works in such order mentioned shall, for the purposes of the last-mentioned Act, and of this Act, be deemed the promoters of the undertaking; and all other the provisions of "The Lands Clauses Consolidation Act, 1845," shall be incorporated with this Act, and shall apply thereto, and to the works and purchases to be authorized by the Commissioners, in such and the same manner as if the works and purchases which shall be authorized by the Commissioners had been set forth and authorized to be executed and made by this Act.

XII. Provided and enacted, That no order of the Commissioners under this Act shall authorize any work whereby the streams, reservoirs, or feeders supplying any ornamental waters shall be cut through, diverted or interfered with, otherwise than by agreement and with the consent of the persons to whom such ornamental waters belong.

XIII. That two copies of every order of the Commissioners by which they shall authorize the execution of works under the provisions of this Act shall be made and sealed with the seal of the Commissioners, and one such copy shall be deposited with the clerk of the peace of the county in which the land authorized to be drained, or the greater part thereof, shall be situate, who is hereby required to deposit and keep the same among the records of the said county, so that recourse may be had thereto by any person interested in the premises, and the other copy shall be deposited with the church or chapel wardens for the time being of the parish in which the said land or the greater part thereof shall be situate, to be kept by them and their successors in office with the public books, writings, and papers of the parish, or shall be deposited with such other fit persons as the Commissioners shall approve; and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of 2s. 6d. for such inspection, and after the rate of 3d. for every seventy-two words contained in such copy or extract; and all such copies of and extracts from any such copy of any such order as aforesaid as shall be furnished by the clerk of the peace shall be signed by the clerk of the peace or his deputy, purporting the same to be a true copy or extract; and every such copy and extract so signed shall be received in evidence without further proof thereof.

And after reciting that by reason of the neglect of or want of co-operation among the occupiers of lands to maintain the banks and cleanse and scour the channels of existing drains, streams, or watercourses lying in or forming the boundaries of such lands, and being or leading to the outfall from such lands and from other lands, much injury is occasioned and improvement prevented, but sufficient powers do not at present exist to remedy the evil aforesaid;—

It is Enacted,

XIV. That in all cases where by reason of the neglect of any such occupier to maintain or join in maintaining the banks or to cleanse and scour, or join in cleansing and scouring the channels of existing drains, streams, or watercourses lying in or bounding the lands of such occupier, injury shall be caused to any other land, it shall be lawful for the proprietor or occupier of any land, so injured to require the proprietor or occupier so neglecting as aforesaid, by a notice in writing delivered to him or left at his usual place of abode, effectually to maintain such banks or cleanse or scour such channels, or to join in effectually maintaining such banks or cleansing and scouring such channels, of such drains, streams, and watercourses; and in case he shall neglect so to do it shall be lawful for the occupier of the land to which such injury shall be caused, immediately after the expiration of one calendar month from the service of such notice as aforesaid, to execute or cause to be executed, or to join with any other person in executing or causing to be executed, all necessary works for maintaining or repairing such banks or cleansing or scouring such channels as aforesaid; and in case the expenses paid or incurred in executing or causing to be executed such works as aforesaid, or the just proportion thereof which should have been paid or borne by the occupier so neglecting as aforesaid, shall not be paid to the person by whom the same shall have been paid or incurred by the occupier so neglecting as aforesaid within one calendar month after demand, it shall be lawful for any Justice, upon the application of the person by whom such expenses shall have been paid or incurred, to summon the proprietor or occupier so neglecting as aforesaid to appear before two Justices at a time and place to be named in such summons; and upon the appearance of the person so summoned, or in his absence upon due proof of the service of such summons, it shall be lawful for such two Justices, upon proof of such neglect as aforesaid, and of the injury occasioned thereby, and of the expenses paid or incurred as aforesaid, to make an order for the payment by the occupier so neglecting of the expenses aforesaid, or of such just proportion of the same as such occupier so neglecting ought in the opinion of the said Justices to contribute and pay; and it shall be lawful for the said Justices, upon any such application as aforesaid, to award such costs to be paid by such party and in such manner as to such Justices shall seem reasonable, and the amount of such expenses and costs respectively may be recovered by distress.

XV. Provided and enacted, That unless such drain, stream, or watercourse as aforesaid shall be a boundary of or immediately adjoining to the land of the occupier whose land shall have been injured by such neglect as aforesaid, it shall not be lawful for the occupier whose land shall have been so injured to enter upon the land of any other person in the execution of the works aforesaid without a warrant or authority in writing so to do from two or more Justices, which warrant or authority such Justices shall grant upon inquiry had before them, after a summons served upon the occupier of the land so to be entered upon, if it shall appear to such Justices that the neglect of the occupier of the land so to be entered upon has occasioned injury to the lands of the occupier applying for such warrant or authority: Provided also, that it shall be lawful for the Justices before whom any occupier of land shall be summoned to appear under this Act, and whether such proprietor or occupier shall or shall not have appeared, to adjourn the hearing or further hearing of any application for any order, or for any warrant or authority under this Act, a to subsequent day, and to appoint a competent person to view in the meantime the drain, stream, or watercourse, and to report thereon to the Justices on the day to which such hearing shall have been adjourned, or the said Justices or any of them may in the meantime attend and view such drain, stream or watercourse.

XVI. That if upon any adjudication of the Justices the amount of the expenses ordered to be paid, and of such costs as aforesaid, be not paid the amount of such expenses and costs shall be levied by distress, and such Justices or either of them, or any other Justice, shall issue their or his warrant of distress accordingly; and every sum of money to be levied by distress as aforesaid shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the surplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

XVII. That no distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, adjudication, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

XVIII. Provided and enacted, That nothing in this Act contained shall affect the rights, duties, privileges, powers, or authorities vested in or to be discharged by any Commissioners of Sewers appointed by any Commission under the Great Seal, or under the seal of the Duchy of Lancaster, or by any other lawful commission of sewers, or the Commissioners appointed under any local or private Act of Parliament for sewers or drainage, or shall extend to or affect any charter, law, usage, or custom concerning Romney Marsh, or concerning the great level of the fens called the Bedford Level, or any part thereof: Provided nevertheless, that if the persons interested in any lands authorized to be drained under local or private Act of Parliament for the inclosure and drainage of any lands, or if any portion, not being less in number and value than two-thirds of the persons so interested, shall be desirous of having such lands drained under the provisions of this Act, and shall notify such their desire by writing under their hands to the Commissioners under this Act, then such Commissioners and their assistant Commissioners respectively shall and may, notwithstanding any provision in any such local or private Act contained, have and exercise all the powers given to them by virtue of this Act with reference to the lands authorized to be drained by such local or private Act as if all the clauses therein contained for or regarding the drainage of such lands were repealed by this Act.

XIX. Provided and enacted, That it shall not be lawful for any person acting or pretending to act under this Act to make or construct, alter or extend, on the shore of the sea, or of any creek, bay, or arm of the sea, or any navigable river communicating therewith, where and so far up the same as the tide flows, any work which might not have been lawfully made or constructed in

case this Act had not been passed without the previous consent of the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom aforesaid for the time being, to be signified in writing under the hand of the Secretary of the Admiralty, and then only according to such plan and under such restrictions and regulations as the said Lord High Admiral, or Commissioners for executing the office of Lord High Admiral aforesaid, may approve of, such approval being signified as last aforesaid; and if any such work shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral aforesaid, at his or their discretion, to abate and to remove the same, and to restore the site thereof to its former condition, at the cost of the person, or of any one or more of the persons by whom the same shall have been so commenced or completed; and nothing herein contained shall authorize or enable any person acting or pretending to act under this Act to make or construct any work injurious to the navigation of any navigable river or canal, or to use or occupy land between high and low water mark, without the consent of Her Majesty's Commissioners of Woods and Forests.

xx. That in the construction of this Act (except where the nature of the provision or the context of the Act is repugnant to such construction) "the Commissioners" shall mean the said Inclosure Commissioners for England and Wales; and the word "plan" shall extend to drawings and sections; and the word "river" shall extend to all rivers, rivulets, lakes, canals, streams, and estuaries; and the word "person" and the word "proprietor" shall extend to the Queen's Majesty, and to all bodies politic, corporate, or collegiate, and also all bishops, parsons, and other ecclesiastical persons; and the words "persons interested in the land" shall mean such persons as would be deemed to be so interested under the provisions of the said Act, 8 & 9 Vict. c. 18; the word "agent" shall extend to any person employed to receive rents; the word "Justice" shall mean Justice of the Peace acting for the county, riding, city, division, liberty, or other place where the matter requiring the cognizance of any such Justice shall arise, and who shall not be interested in the matter; and the words "churchwarden" and "parish" shall respectively extend to any chapelwarden, or other officer executing any similar duties, and to any township or other division or extra-parochial place for which such officer is appointed; and where any matter shall be authorized or required to be done by two Justices the expression "two Justices" shall be understood to mean two or more Justices assembled and acting together in petty sessions; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

xxi. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. XXXIX.

AN ACT to amend an Act to enable Burghs in *Scotland* to establish a general System of Police, and another Act for providing for the Appointment and Election of Magistrates and Councillors for certain Burghs and Towns of *Scotland*.

(21st June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Burghs and towns empowered to adopt, in whole or in part, the provisions of the General Police Act.*
2. *Magistrates and councils may convene occupiers to determine whether that Act shall be adopted.—Such determination to be ascertained in the way prescribed by that Act.*
3. *Resolution to adopt to be effectual if carried by a majority of two-thirds of persons qualified.*
4. *General Police Act to be executed by magistrates and councils of burghs and towns; and to be available to them as if re-enacted herein.*
5. *Where General Police Act adopted the powers thereof may be vested in magistrates and council.*
6. *Procedure in burghs not having magistrates and councils to remain as prescribed by the General Police Act.*
7. *Magistrates and councils empowered to levy assessments in certain burghs and towns for municipal purposes.*
8. *General Police Act repealed when inconsistent with this Act, and applied to this Act.*
9. *Act may be amended or repealed during present session.*

By this Act,

After reciting 3 & 4 Will. 4. c. 46, intituled 'An Act to enable Burghs in *Scotland* to establish a general System of Police,' 3 & 4 Will. 4. c. 77, intituled 'An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of *Scotland* which now return or contribute to return Members to Parliament, and are not Royal Burghs': And that it is expedient that the burghs and towns to which magistrates and councillors were by the said last-recited

Act provided should have the power of adopting the powers and provisions of the said first-recited Act in the manner and to the effect by the said first-recited Act provided in relation to royal burghs, burghs of regality and burghs of barony: And that it is expedient that in all cases in which the powers and provisions of the said first-recited Act shall be in whole or in part adopted the execution and administration thereof should be vested in the magistrates and councillors of royal burghs, burghs of regality, and burghs of barony, and of the burghs and towns to which magistrates and councils were by the said second-recited Act provided that shall adopt the same, and that the majority of the electors upon whose decision such adoption is provided by the said first-recited Act to take place should be diminished: And that by the said second-recited Act no provision is made for defraying the necessary expenses of the municipal establishments thereby constituted, and the other expenses attending the administration of the affairs of the said burghs and towns, and some of the said burghs and towns do not possess any common good or means, or do not possess adequate means of defraying such expenses, and it is necessary that the said first-recited Act should in this and other respects be altered and amended:—

It is Enacted,

i. That from and after the 15th of November 1847 it shall be lawful to all burghs and towns to which magistrates and councils were by the said second-recited Act provided, and on which municipal governments are thereby conferred, to adopt in whole or in part with and under the powers, provisions, and conditions therein contained the powers, provisions, and authorities of the said first-recited Act, and for the purposes and to the effect therein provided in relation to royal burghs and burghs of regality and of barony adopting the same.

ii. That where any royal burgh or any burgh of regality and burgh of barony having magistrates and councils, and where any burgh or town to which magistrates and councils were provided under the said second-recited Act, intends to adopt in whole or in part the powers and provisions of the said first-recited Act, it shall be lawful for the magistrates and council of any such burghs or towns, without any such application of householders as is by the said first-recited Act prescribed, to convene the occupiers of premises of the yearly value of 10*l*. in the manner by the said Act directed to consider and determine whether the provisions of the said first-recited Act shall be in whole or in part adopted, and the determination of such question shall be ascertained in the manner by the said first-recited Act prescribed.

iii. Provided always, That the resolution to adopt the powers and provisions of the said first-recited Act in whole or in part shall in all cases be effectual if it shall be carried by a majority of two-thirds of the number of persons qualified and voting.

iv. That in any case where the powers and provisions of the said first-recited Act shall be in whole or in part adopted in any royal burgh, burgh of regality, or burgh of barony having magistrates and council, and in any case where the majority of electors aforesaid in any burgh or town having a right by the said second-recited Act to elect magistrates and councils shall as aforesaid vote for the adoption of and shall adopt the provisions of the first-recited Act in whole or in part, all the powers and provisions so adopted shall, instead of being put in execution by Commissioners elected as by the said first-recited Act is prescribed, be put in execution by the magistrates and councils of such burghs and towns respectively; and all the powers and duties by the said Act conferred upon the Commissioners thereby authorized to be elected shall be enjoyed and exercised by the magistrates and councils of such burghs and towns respectively as the same could have been enjoyed and exercised by the said Commissioners; and the said first-recited Act shall, as far as the same is applicable, be applied to and construed with this Act, and be available to the magistrates and councils of such burghs and towns, in all respects as if the said Act had been herein re-enacted.

v. That it shall be in the option of any burgh which has already adopted in whole or in part the provisions of the said first-recited Act either to continue the execution of the powers and provisions of the said Act as far as adopted in the Commissioners elected and to be elected under the provisions thereof, or at a meeting of the electors of such burgh, to be called in the manner by this Act directed and proceeded in in the manner prescribed by the said first-recited Act, to consider and determine whether the execution of such powers and provisions should not be vested in the magistrates and councils of such burgh; and in the event of their determining that such powers and provisions shall be so vested, then and in such case the powers and provisions of the said first-recited Act theretofore vested in such a Commissioners shall, after the expiration of two months from the date of such determination, cease and be at an end, and thereafter all such powers and provisions, and also all the property and effects vested in such Commissioners as such Commissioners, shall vest in and belong to such magistrates and council in the manner and to the effect hereinbefore provided in respect of future adoptions of the said first-recited Act.

vi. That as regards burghs of barony and burghs of regality not incorporated, and not having magistrates and councils, which may resolve to adopt the powers and provisions of the said first-recited Act in whole or in part, the procedure thereto shall remain and be as well in regard to the meetings to be held for that purpose as the execution of the powers and provisions of the said first-recited Act by Commissioners in all respects as by the said first-recited Act is authorized and prescribed.

vii. That it shall be lawful for the magistrates and councils of the burghs and towns respectively to which magistrates and councils are provided by the said second-recited Act in which there are no means or no adequate means of defraying the necessary expenses of their municipal establishments, and other expenses attending the administration of the affairs of such burghs and towns respectively, to assess all tenants, occupiers, and possessors of premises within such burghs and towns respectively valued at 2*l*. or upwards of yearly rent in the sums necessary for defraying the expenses of such municipal establishments and administration aforesaid, but in no case to an amount exceeding 3*d*. in the pound of the yearly rent of such premises; and such assessment shall be levied and recovered by the magistrates and councils of such burghs and towns respectively in such and the like manner, from the same descriptions of persons and property, and under the like provisions and exceptions, as the assessments leviable under the said first-recited Act for police and other purposes by the Commissioners therein directed to be chosen are authorized to be levied and recovered.

VIII. That the said first-recited Act shall, in so far as the same or any part thereof is inconsistent with the provisions of this Act, but no farther, be repealed, and the said Act shall, to the extent necessary for carrying the provisions of this Act into effect, be applied to and construed with this Act, and, except in so far as the same is hereby altered, shall remain in full force and effect.

IX. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

CAP. XL.—IRELAND.

AN ACT to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament, an Act of the Fifth and Sixth Years of Her present Majesty, for amending the Law relative to private Lunatic Asylums in *Ireland*.

(21st June 1847.)

1. By this Act 5 & 6 Vict. c. 123. continued until 31st July 1848, and to the end of the then next session.

2. Act may be amended, &c.

CAP. XLI.

AN ACT to continue until the Thirty-first Day of *July* One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament, certain of the Allowances of the Duty of Excise on Soap used in Manufactures.

(25th June 1847.)

ABSTRACT OF THE ENACTMENT.

Certain allowances of the duty on soap to be continued.

By this Act,

After reciting that by 3 & 4 Will. 4. c. 16. certain allowances of the duties of Excise paid on soap were granted in respect of soap used in certain manufactures and processes set forth in the said Act, and which allowances were to cease at the end of the session of Parliament next after the 31st of May 1835 : And that by subsequent Acts, and particularly by 7 & 8 Vict. c. 51, the said Allowances (except the allowance for the whitening of new linen in the piece for sale) were continued until the end of the session of Parliament next after the 31st of July 1846 : And that it is expedient that the said allowances (except as aforesaid) should be further continued :—

It is Enacted,

That the said allowances (except the allowance of the duty on soap used, employed, or consumed in the whitening of new linen in the piece for sale) shall continue and remain payable until the end of the session of Parliament next after the 31st of July 1848, in like manner as if the same had been made payable until that time by the said first-recited Act.

CAP. XLII.

AN ACT to transfer the Collection and Management of the Duties in respect of Stage Carriages, Hackney Carriages, and Railway Passengers from the Commissioners of Stamps and Taxes to the Commissioners of Excise.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. Duties in respect of stage and hackney carriages, and licences for the same respectively, and in respect of railway passengers, transferred to the Commissioners of Excise.

2. *Powers and provisions of the said Acts to be executed by Commissioners and officers of Excise.*
3. *Bonds and securities given by railway companies to account for duties to be applicable to the duties when transferred to the Commissioners of Excise.*
4. *Act not to affect existing licences.*
5. *Act not to extend to arrears of duty or penalties incurred or offences committed on or before 5th September 1847.*
6. *Act may be amended, &c.*

By this Act,

After reciting that the collection and management of the several and respective duties hereinafter specified and described are now by law vested in the Commissioners of Stamps and Taxes, and it is expedient to transfer the same to the Commissioners of Excise:—

It is Enacted,

I. That from and after the 5th of September 1847 the several and respective duties hereinafter specified and described; (that is to say,) the duties granted and now payable in Great Britain by and under an Act, 5 & 6 Vict. c. 79, for and in respect of stage carriages, and licences for keeping, using, or employing stage carriages, and for and in respect of passengers conveyed upon railways, and also the duties granted and now payable by and under an Act, 1 & 2 Will. 4. c. 22, for and upon and in respect of licences to keep, use, employ, and let to hire hackney carriages within the distance of five miles from the General Post Office in the City of London, shall be and the same are hereby transferred to and placed under the care and management of the Commissioners of Excise for the time being; and the said several and respective duties shall thenceforth be denominated and deemed to be duties of Excise, and shall be raised, levied, collected, and accounted for by and under the authority of the Commissioners of Excise and their officers, anything in any former Act or Acts contained to the contrary notwithstanding.

II. That from and after the said 5th of September all the powers, provisions, regulations, and directions now in force contained in the said several Acts hereinbefore mentioned or referred to, or in any other Act or Acts, and which at the time of the passing of this Act may lawfully be executed and enforced by the Commissioners of Stamps and Taxes or their officers, in relation to the said respective duties hereby transferred as aforesaid, or any of them, or in relation to stage carriages or hackney carriages, or the drivers or conductors of any such carriages, shall be executed and enforced by the Commissioners of Excise and their officers respectively, as fully and effectually to all intents and purposes as if such powers, provisions, regulations, and directions had been repeated and re-enacted in this Act, and expressly given to the said Commissioners of Excise and their officers respectively; and that all the powers, provisions, regulations, and directions, forfeitures, pains, and penalties contained in or imposed by any Act or Acts now in force relating to the said respective duties hereby transferred as aforesaid, as well as the powers, provisions, regulations, and directions, forfeitures, pains, and penalties contained in or imposed by any Act or Acts in force in relation to any of the duties of Excise, so far as such last-mentioned powers, provisions, regulations, and directions, forfeitures, pains, and penalties shall be applicable to the said respective duties hereby transferred as aforesaid, and so far as the same shall not be inconsistent with the special powers, provisions, regulations, and directions, forfeitures, pains, and penalties now in force in relation to the said respective duties hereby transferred as aforesaid, shall be of full force and effect, and shall be applied, enforced, and put in execution for raising, collecting, levying, recovering, and securing the said last-mentioned duties, and for preventing, detecting, and punishing all frauds, forgeries, and other offences relating thereto, as fully and effectually to all intents and purposes as if such powers, provisions, regulations, and directions, forfeitures, pains, and penalties were repeated and specially enacted in this Act with reference to the said respective duties hereby transferred as aforesaid; and wherever in any Act or Acts now in force in relation to the said last-mentioned respective duties, or to stage carriages or hackney carriages, or the drivers or conductors of any such carriages, the head office for stamps or for stamps and taxes, or the solicitor of stamps or for stamps and taxes, or any officer of stamp duties or for stamps and taxes, is mentioned or designated, the same shall in relation to the said respective duties hereby transferred as aforesaid, and to stage carriages and hackney carriages, and the said drivers and conductors respectively, be deemed and taken to mean the chief office of Excise in London, the solicitor of Excise, and any officer of Excise respectively.

III. That every bond which before or upon the 5th of September shall have been given by the proprietor or company of proprietors of any railway for accounting for and paying to the Receiver General or any other officer or officers of Stamps and Taxes the said duties for or in respect of passengers conveyed upon railways, and every transfer of stock or deposit of Exchequer bills which shall have been made in lieu of giving any such bond as aforesaid, shall, so far as relates to such duties as shall become payable at any time and from time to time after the said last-mentioned day respectively, be and remain a good and valid security for accounting for and paying over the said last-mentioned duties to the Receiver General or other officer or officers of Excise, and for that purpose, wherever in the condition of any such bond, or in any declaration relating to any such transfer or deposit as aforesaid, the terms and expressions following occur; (that is to say,) "Commissioners of Stamps and Taxes," "Receiver General of Stamps and Taxes," "officer of Stamp Duties," or "head office for Stamps and Taxes in the City of Westminster," the same, so far as relates to the said duties which shall become payable after the said last-mentioned day, shall be severally construed and read as if the following terms and expressions had been inserted in the said condition or declaration, and severally substituted for and in lieu of the said former terms and expressions; (that is to say,) "Commissioners of Excise" for and in lieu of "Commissioners of Stamps and Taxes," "Receiver General of Excise" for and in lieu of "Receiver General of Stamps and Taxes," "officer of Excise" for and in lieu of "officer of Stamp Duties," and "chief office of Excise in the City of London" for and in lieu of "Head Office for Stamps and Taxes in the City of Westminster;" and in all proceedings at law or in equity touching or concerning any of the said duties which shall become payable after the said last-mentioned day the condition of any such bond and every such declaration as aforesaid shall respectively be pleaded and read as if such substituted terms and expressions had been originally inserted therein for and in lieu of the said other terms and expressions.

IV. Provided and enacted, That nothing herein contained shall extend or be construed to terminate, affect, or alter any licence which shall have been granted with relation to any of the said respective duties on or before the said 5th of September, and which

shall then be unexpired and in full force, but that every such licence shall remain and continue as valid and effectual for the purposes for which the same was granted, until the expiration thereof by effluxion of time or otherwise, as it would have been if this Act had not been passed.

v. Provided and enacted, That nothing herein contained shall extend or be deemed or construed to extend to any arrears of the said duties or to any penalties which shall respectively have been or be or become due or payable, or have been or be incurred, before or upon the said 5th of September, or to any offence committed before or upon the said last-mentioned day, but that all such arrears of duty and all such penalties as aforesaid shall respectively be collected, received, sued for, and recovered, and all such offences shall be dealt with and punished, as if this Act had not been passed.

vi. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XLIII.

AN ACT for the Amendment of the Laws relating to the Provision and Regulation of Lunatic Asylums for Counties and Boroughs in *England*.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Act to extend to cases of more than two counties or boroughs uniting for the purpose of establishing a lunatic asylum, or to their uniting with subscribers to a lunatic asylum not theretofore established.*
2. *Powers, &c., given by recited Act to extend to this Act.*
3. *Former proceedings by Justices, &c. declared valid.*
4. *Where by the subsequent union of additional counties or boroughs the proportion of expenses to be borne by those already united is less than that specified in their agreement, the agreement to be valid so as to authorize the raising of the smaller amount.*
5. *Where a county or borough unites with others, &c., a proportion of expenses assessed upon it to be paid to the treasurers of the other counties, &c., pro rata, and applied in liquidation of previous charges.*
6. *Regulating number of visitors where counties or boroughs have united and have been joined by any other county or borough since the passing of this Act.*
7. *Plans, estimates, &c., not to be subject to the approbation of Quarter Sessions of counties, &c. before they are carried into execution.*
8. *Agreements to be entered into in the form in Schedule (A.) of recited Act, except, &c.*
9. *Proposals, agreements, &c., approved by the Secretary of State, after their execution by Justices, &c., to be valid.*
10. *Committees of Justices, &c., may insert additional stipulations or conditions in form of agreement in Schedule (A.); but acts of visitor not to be subject to controul of General or Quarter Sessions.*
11. *With consent of visitors, additional stipulations or conditions may be repealed.*
12. *Persons lending money on mortgage of rates, &c. not bound to give proof that notices have been given, &c. Power to Justices, &c. to levy rates so mortgaged.*
13. *Act to be construed with 8 & 9 Vict. c. 126.*
14. *Act may be amended, &c.*

By this Act,

After reciting that by 8 & 9 Vict. c. 126, it was among other things enacted, that the Justices of every county and borough which had no asylum for the pauper lunatics thereof should, after the passing of the said Act, either erect or provide an asylum for the pauper lunatics of such county or borough alone, or should unite with some county or borough (whether such last-named county or borough should or should not have a lunatic asylum), or with the subscribers to some lunatic asylum theretofore established by voluntary subscriptions, in erecting or providing an asylum for the pauper lunatics of such county or borough: And that doubts have been entertained whether the above-mentioned provisions extend to the case of more than two counties or boroughs uniting with each other, or with each other and with the subscribers to a lunatic asylum, for the purpose aforesaid, and it is desirable that such doubts should be removed: And that it is expedient that the provisions of the said Act should be extended to the case of counties or boroughs uniting for the purpose aforesaid with the subscribers to a lunatic asylum, although the same may not have been actually established before the passing of the said Act; and it is expedient that the said Act should be in other respects amended:—

It is Enacted,

1. That the said recited Act shall be deemed and taken to have authorized and empowered and to authorize and empower the Justices of any county or borough to unite for the purposes of the said Act as follows; (that is to say,) any one or more county or counties may be united either alone or with any one or more borough or boroughs, and any one or more borough or boroughs may be united either alone or with any one or more county or counties, and any one or more county or counties, and one or more borough or boroughs, whether united or not, may unite with the subscribers to any lunatic asylum established or in course of erection, or afterwards to be established, by voluntary subscriptions, in erecting or providing an asylum for the pauper lunatics of all or any of such counties or boroughs, whether such union shall have taken place or shall take place at one and the same time or at different times.

II. That all the powers and authorities, of what nature or kind soever, contained in the said Act, or any Act amending the same, except as hereby expressly altered, shall extend to every matter and thing to be done under or by virtue of this Act.

III. That all agreements, acts, and proceedings entered into, done, or had before the passing of this Act, and notwithstanding any error or omission whatsoever, shall be and the same are hereby declared to be valid, binding and effectual, to all intents and purposes whatsoever, and in all respects, as if the provisions of the said Act had been strictly complied with.

IV. That where any agreement for such an union has been made or shall be hereafter made, and in such agreement the proportion in which the expenses necessary for carrying into execution the powers and purposes of the said recited Act or of this Act were or are to be charged and assessed upon the several counties and boroughs and subscribers so uniting shall have been or shall be specified, in pursuance of the directions of the said recited Act, but by reason of some other union the proportions of expenses to be charged and assessed as aforesaid shall have been or shall be altered and diminished, the agreement for such alteration and diminution shall nevertheless be deemed and taken to be valid, and to authorize and empower the Justices of every such county at the General or Quarter Sessions for the same, or the council of every such borough, to raise and levy, by the ways and means mentioned in the said recited Act, or any Act amending the same, such smaller proportion and sums of money as shall under the circumstances aforesaid be necessary for carrying into effect the provisions of the said recited Act and of this Act.

V. That when, in the case of any such union as aforesaid, any monies shall become repayable to any county or borough by reason of the addition thereto of any other county or borough or subscribers, then such excess shall be repaid to the respective treasurers of such counties or boroughs according to the proportions in which the original sums were contributed, and shall be applied in liquidation and payment, *pro tanto*, of the monies which shall have been raised and levied by such counties and boroughs, for the purposes and under the powers of the said recited Act, or of any Act amending the same, or of this Act, in such manner as the Justices of any such county at any General or Quarter Sessions for the same, or the council of any such borough, shall respectively order and direct; or if all such monies shall have been paid, then the same shall be applied in diminution of any rate to be made in pursuance of the said recited Act, or any Act amending the same.

VI. That where any union shall have been made before the passing of the said recited Act, or where any union comprising more than two counties or boroughs shall be made after the passing of this Act, and by the agreement thereupon made and entered into the number of visitors for any county or borough has been or shall be fixed at less in the case of a county than seven, or in the case of a borough than three, such agreement shall and is hereby declared to be valid to all intents and purposes, anything in the said recited Act to the contrary notwithstanding; and in case such union shall hereafter be joined by any other county or borough, it shall be lawful, in the agreement to be thereupon made and entered into, to fix a less number of visitors for any such county than seven, and for any such borough than three.

VII. That where any union has been or shall be made for the purposes of the said recited Act, it shall not be necessary, after the passing of this Act, that the plans, estimates, contracts, and agreements for purchase, or any of them, shall be submitted for or be subject to the approbation of the Court or Courts of General or Quarter Sessions of the county or counties, or the Justices of the borough or boroughs, uniting, before the same shall be completed or carried into execution; provided that the sum to be so expended shall not exceed an amount previously authorized by the said Court or Courts of General or Quarter Sessions.

VIII. That, notwithstanding the provisions of the said recited Act, it shall not be necessary to specify in the agreement to be executed in pursuance thereof the numbers of every committee of the county or counties, borough or boroughs, or subscribers, uniting, but that the said agreement may be entered in into the form or to the effect of the agreement in Schedule (A.) to the said Act annexed, except that it shall not be necessary that such agreement should be under the seals of the parties signing the same, anything in the said Act to the contrary notwithstanding.

IX. That all proposals, agreements, contracts, and plans made or to be made in pursuance and execution of the said recited Act or of this Act, which shall have been or shall be approved of by one of Her Majesty's principal Secretaries of State under his hand, shall be deemed and are hereby declared to be valid, binding, and effectual, although the same shall not have been or may not be submitted to and approved by such Secretary of State until after the signing and execution thereof by any committee of Justices or visitors.

X. That when any committees of Justices elected and appointed, or of subscribers appointed, as in the said Act is mentioned shall have agreed or shall agree to unite for the purposes of the said Act, it shall be lawful for such committees to insert in the form of agreement set forth in the Schedule (A.) annexed to the said Act any stipulations or conditions, in addition to the matters by the said Act required to be specified in such agreement, so that such additional stipulations or conditions do not in any way subject the acts of the committee of visitors to the approval or controul of any Court of General or Quarter Sessions, or of any Justices, in any case not provided for by the said Act as amended by this Act; and the additional stipulations and conditions so inserted in the said agreement shall be of the same force and effect as the matter so required to be specified, notwithstanding that such additional stipulations or conditions may controul, in any other manner than is hereinbefore specified and excepted, the discretion and acts of the committee of visitors as regulated by the said Act, or may require the consent or approval of, or may subject the acts or orders of the visitors to be disallowed, modified, or controulled by one of Her Majesty's principal Secretaries of State in cases not provided for by the said Act; but any stipulations or conditions subjecting the acts of the committee of visitors to the approval or controul of any Court of General or Quarter Sessions, or of any Justices, in any case not provided for by the said Act as amended by this Act, shall be void and of none effect.

XI. That, with the consent in writing under the hands of the greater number of visitors of each county, borough, or body of subscribers united for the purposes of the said Act, and with the previous consent in writing under the hand and seal of one of Her Majesty's principal Secretaries of State, the committee of visitors may from time to time repeal or alter any of the said additional stipulations or conditions inserted in the said agreement.

XII. That the several persons lending money for the purposes of the said Act shall not be bound to require proof that the several provisions of the said Act or of this Act, or of any Act amending the same, have been duly complied with; and that if there be an order of the Justices of any county in General or Quarter Session, or of the council of any borough, making application for the loan, and any mortgage be thereupon duly executed as by the said recited Act is provided, the Justices or council (as the case may be) shall have full power to levy the rates so mortgaged, for repayment of the money so borrowed, with interest, notwithstanding that the provisions of the said recited Act, or any Act amending the same, may not have been complied with; and it shall not be competent to any rate-payer or other person to question the validity of any such rate or mortgage on the ground that the aforesaid provisions had not been complied with.

XIII. That this Act shall be construed and read with and as part of the said recited Acts.

XIV. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XLIV.

AN ACT to render permanent certain Parts of the Act for amending the Constitution of the Government of Newfoundland.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of 5 & 6 Vict. c. 120. as is hereinbefore recited declared permanent, and so much as is not recited to cease to be in force.*
2. *Act may be amended, &c.*

By this Act,

After reciting that by 5 & 6 Vict. c. 120. it was amongst other things enacted, that it should be lawful for Her Majesty, in or by any commission or commissions under the Great Seal of the United Kingdom, to be thereafter issued for the Government of Newfoundland, and in and by any instructions under Her Majesty's signet and sign manual accompanying and referred to in any such commission or commissions, to establish a qualification in respect of income or property in right of which any person might be thereafter elected to serve as a member of the assembly of Newfoundland; provided that no such qualification should be fixed at more than a net annual income arising from any source whatsoever of 100*l.*, or the possession of property, clear of all incumbrances, exceeding 500*l.* in amount or value; and that it should be lawful for Her Majesty, in manner aforesaid, to fix and determine the length of the period of residence within any electoral district in the said island which should be required, in addition to any other qualification, for voting at elections within such district, or for being elected to serve as a member of the assembly, provided that such period should not extend beyond the period of two years next preceding any such election; and that it should be lawful for Her Majesty, in manner aforesaid, to restrain the said assembly from appropriating to the public service within the island of Newfoundland any part of the public revenue thereof in cases where such services should not have been previously recommended, or such grants of money should not have been previously asked by or on the behalf of Her Majesty; and that it should be lawful for Her Majesty, in manner aforesaid, to restrain and prohibit the election of members to serve in the said assembly in different districts on successive or different days, and to require that all such elections should be simultaneous, and should be completed within a time to be limited, and that any such future commission or instructions as aforesaid should be laid before both Houses of Parliament within thirty days next after the date thereof, should Parliament then be in session, or if not, then within thirty days next after the commencement of the then next session of Parliament; and it was thereby provided that no change which should be made in the constitution of the said island under the said Act should continue for a longer time than the 1st day of September 1846, unless Parliament should otherwise order: And that by an Act, 9 & 10 Vict. c. 45, it was enacted, that the changes made in the constitution of the said island under the said recited Act should continue in force until the 1st day of September 1847: And that upon and from the said 1st day of September 1847 the changes made in the constitution of the said island under the first-recited Act will cease to be in force unless further provision in that behalf be made by Parliament; and it is expedient that from and after the said 1st day of September 1847 the first-recited Act should cease to be in force, save only so far as the same is hereinbefore recited:—

It is Enacted,

1. That so much as is hereinbefore recited of the first-recited Act shall be permanent, and that upon and from and after the 1st day of September 1847 so much of the said Act as is not hereinbefore recited shall cease to be in force.
 11. That this Act may be amended or repealed by any Act to be passed during this session of Parliament.
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CAP. XLV.—IRELAND.

AN ACT to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Prisoners from the several Gaols in *Ireland* in Cases of epidemic Diseases.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *In case of fever or contagion existing in any place in Ireland, prisoners may be removed from one gaol to another by order of the Lord Lieutenant.*
2. *Commencement and continuance of Act.*
3. *Act may be amended, &c.*

By this Act,

After reciting that fever and other epidemic diseases have for some time prevailed in several parts of Ireland: And that the progress of such diseases is likely to be much augmented by the want of proper accommodation in the gaols in Ireland, and the number of persons confined therein: And that the removal of such prisoners to other prisons or places cannot, as the law now stands, take place without risk to the persons to whose custody such prisoners respectively may be committed: And that persons remanded or ordered to be imprisoned by the Commissioners of Her Majesty's Court for the Relief of Insolvent Debtors in Ireland cannot by any order of the said Court or otherwise be removed to other custody; and it is expedient that the law should in such cases be amended, for the benefit and safety of the public:—

It is Enacted,

1. That when and so often as any fever, or other contagious, epidemic, or endemic disease, shall exist or be apprehended in any city, town, or place in Ireland, it shall and may be lawful to and for the Lord Lieutenant or other chief governor or governors of Ireland, by his or their order, to be signified by his or their chief secretary or under secretary, to direct that any person or persons, being imprisoned in any gaol, prison, bridewell, or other place of confinement in any city, town, or place in Ireland, under or by virtue of any process, civil or criminal, or under or by virtue of any order or writ of any court of justice in Ireland, shall and may be removed from such gaol, prison, bridewell, or other place of confinement to such other gaol, prison, or place of custody as to such Lord Lieutenant or other chief governor or governors of Ireland shall seem fit and proper, for and during such time as to him or them shall appear expedient; and every such person, when so removed, shall be to all intents and purposes deemed and considered to be in the proper legal custody for and during the time of such removal, and for and during such time as he or she shall be in the place to which he or she shall be so removed, in like manner, to all intents and purposes, as if such person had continued in his or her original place of confinement, and had not been by any such order or otherwise removed from the same; and that no right, duty, authority, liability, jurisdiction, franchise, power, privilege, or function of any person whatsoever, which if such removal had not taken place would have existed, or could or might have been used or exercised, shall be in any respect or degree affected, altered, diminished, prejudiced, or varied by or in consequence of any such removal: Provided always, that in case any such prisoners shall be removed under the provisions of this Act from any county, county of a city or county of a town, into any other county, county of a city or county of a town, the expenses of the support and maintenance of such prisoners in the place to which they shall be so removed shall be paid and provided for by the county, county of a city or county of a town, from which respectively they shall have been so removed, as the same were or ought to be paid or provided for before such removal; and the expenses of any such removal under this Act, and of any further removal of prisoners, to the original place of custody, shall be charged and chargeable on the county, county of a city or county of a town, from which they shall have been so removed, and shall be paid and provided for in like manner and subject to like provisions as are contained in an Act, 1 & 2 Vict. c. 6, intituled 'An Act to regulate the Expenses of conveying Prisoners in Ireland.'

II. That this Act shall commence and take effect from and after the passing of the same, and shall continue and be in force for the space of one year, and from thence to the end of the then next session of Parliament.

III. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. XLVI.—IRELAND.

AN ACT to facilitate the temporary Investment of Trust Monies in the Improvement of Landed Property in *Ireland*.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Trustees, &c., of settled estates may petition the Court of Chancery in Ireland for permission to lay out money in improvements.*
2. *Court may refer such petition to a Master, and obtain his report.*

3. *Master to give notice, and shall hear all parties, on the matters referred to him, and report on the same to the Court, who may confirm the same.*
4. *Master to inquire and report on the due expenditure on improvements as ordered.*
5. *Advances to be charged on lands improved.*
6. *Tenants for life bound to pay charges, &c., ordered by the Court, and maintain works in good condition.*
7. *After a petition has been presented any further application may be made by motion, &c.*
8. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient that further facilities should be given for the permanent improvement of lands in Ireland: And that it may happen that there are now or hereafter may be in the hands or standing to the account of trustees or a trustee of a settlement or will or codicil monies produced by the sale or received for equality of exchange of settled estates or hereditaments in Ireland, under a power of sale or exchange, or under trusts for sale, in such settlement or will or codicil contained, or stocks or securities purchased with such monies, and which monies are liable to be laid out in the purchase of other estates or hereditaments in Ireland or elsewhere, to be settled to the same or the like uses or upon and for the same or the like trusts and purposes as the estates or hereditaments from the sale or exchange of which such monies were produced, and there may be now or hereafter monies in the hands or standing to the account of trustees or a trustee of a settlement, will, or codicil produced by a sale or sales of settled lands or hereditaments in Ireland, compulsorily or otherwise, made to or for the purposes of a railway or other public work, or other monies, stocks, or securities liable to be laid out in the purchase of lands or hereditaments, and which monies respectively may be advantageously advanced for the purpose of being laid out in the permanent improvement of the lands or hereditaments remaining unsold or in settlement for the time being, and there may be now or hereafter monies or stocks or securities in the hands or standing to the account of trustees or guardians for infants or others under legal disability, or monies of persons of unsound mind, which may be advantageously advanced for the purpose of being employed in the permanent improvement of the estates of such infants, persons of unsound mind, or others under legal disability:—

It is Enacted,

- I. That it shall be lawful for any such trustee or trustees (with the consent of any person or persons beneficially interested, in possession, if of full age), or guardian or guardians, and for the committee or committees of any persons of unsound mind, and they are hereby authorized, to apply to the High Court of Chancery in Ireland, by petition to the Lord High Chancellor, praying that he or they may be authorized to make any such permanent improvements of any such lands or hereditaments in Ireland respectively as aforesaid, by laying out and expending thereon any sum or sums proposed by such petition, in such manner as therein may be mentioned and described, and in such petition to pray that the expenses of making any such permanent improvements may be defrayed by advances out of any such monies or funds in the hands or to the account of such trustees or guardians or others as aforesaid.
- II. That upon the presentation of any such petition as aforesaid it shall be lawful for the said Court, without requiring the attendance of any counsel or solicitor, to refer it to one of the Masters of the said Court to make all necessary and proper inquiries, and to consider all such evidence, estimates, and valuations as shall be produced before him in relation to the matter of such petition, and thereupon to report whether in his opinion it will be beneficial to all persons interested in the lands that such permanent improvements as last aforesaid should be made under the provisions of this Act, and whether, having regard to the nature of such improvement, the money so to be expended, or any part thereof, should be repaid, and, if to be repaid, by any and what instalments, and with any and what interest, and with what priority.
- III. That in proceeding under such order of reference the said Master shall cause such notice thereof to be given by advertisement or otherwise as he shall think fit or the Court of Chancery shall by any general or other order direct, and shall hear all parties interested in the subject-matter of such reference who may appear before him, and shall report on the matters so to him referred, and such report shall be filed according to the practice of the said Court, and that thereupon it shall be lawful for the said Court, without requiring the attendance of any counsel or solicitor, upon the petition of the party obtaining the same, to confirm the said report absolutely or make such alteration therein as shall be fit, and to make an order authorizing or permitting such permanent improvements to be made, and the expenses of making the same, together with the expenses of making the same, together with the expenses of obtaining the authority of the said Court, to be accordingly advanced out of such monies respectively aforesaid, and which order shall be registered in the office of the registrar of judgments, in like manner and on payment of like fees as those upon which any decree or order may be registered, and that thereupon it shall be lawful for such trustees or guardians, or other person or persons to whom such monies or funds as aforesaid shall have been paid, or in whose care, custody, or possession the same shall be and remain for the time being in the several cases respectively aforesaid, to advance and lay out such monies accordingly.
- IV. That after such monies shall have been so advanced and laid out as aforesaid, it shall be lawful for such trustees or guardians or others from time to time to apply to the said Court, by petition to the Lord High Chancellor, for a reference to the said Master to ascertain that the same have been properly expended in or about the making of such improvements, and in paying or providing for the expenses incurred and to be incurred of obtaining the authority of the said Court; and that upon the said Master making his said report, and thereby finding that such monies or any part thereof had been so properly expended as aforesaid, and upon the said report being duly filed according to the practice of the said Court, that then it shall be lawful for the said Court, without requiring the attendance of any counsel or solicitor, to make an order to confirm the said report absolutely, and thereupon such trustee or trustees, guardian or guardians, or committees, or other such persons as aforesaid, shall be for ever fully released, exonerated, and discharged from all and every liability or responsibility on account of or concerning any such application of any such trust or other monies, or such part thereof in respect of which such order shall have been so made as last aforesaid, subject nevertheless to any orders or provisions of the Lord Chancellor from time to time in that behalf made or provided.

v. That in every case in which such advances shall be made as last hereinbefore authorized, and the Master shall have reported that such advances ought to be repaid, the lands intended to be improved by means thereof shall, from the respective times of making such advances, become and be charged with the repayment to such trustees, guardians, or committees or others, for the time being making or entitled to be repaid such advances, of the amount of such respective advances, with interest, if any, for the same, in such manner, with such priority, and subject to such conditions, provisions, and restrictions as the Lord Chancellor by any order or provision in that behalf shall from time to time direct.

vi. That tenants for life and others having only a limited interest in the land charged shall be bound to pay such charges, interest, or instalments as may be directed by any such order or provision as last aforesaid, which shall from time to time become due and payable by them during the continuance of their respective estates or interests, and shall be bound to uphold and maintain in good order and condition the works on account of which the lands shall have been so charged as aforesaid, as if such persons respectively were tenants for life, subject to impeachment for waste; and in case such tenants for life and others shall not pay such charges, interest, and instalments as may be directed by any such order or provision, at the time when the same shall so become due and payable, such trustees, guardians, or committees or others shall apply to the said Court of Chancery by petition for the appointment of a receiver, to collect the rents of such lands until such charges, interests, and instalments shall have been duly paid, and that upon such petition it shall be lawful for the said Court to appoint such receiver, and to make such further order or provision in the premises as to the said Court may seem fit.

vii. That after a petition shall have been presented under this Act any further application to the Court may be made by motion, without petition; and that the Court shall have power to order costs to be paid to or by any party; and that it shall be lawful for the Lord Chancellor of Ireland, with the advice and consent of the Master of the Rolls for the time being, from time to time and as often as circumstances shall require, to make and prescribe such provisions, rules, and orders, either general or with respect to any particular proceedings to be had and taken in Chancery under or for the purposes of this Act, and the practice to be observed by the Court in relation to such proceedings or any matters incident thereto, as shall from time to time seem necessary or expedient.

viii. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XLVII.

AN ACT to amend the Law and Practice in *Scotland* as to the Service of Heirs.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *From the 15th of November 1847 the practice of issuing brieves from Chancery for service of heirs shall cease.*
2. *Services to proceed by petition to the sheriff.*
3. *Petition to be presented to the sheriff of the county or to the sheriff of Chancery.*
4. *Nature and form of the petition.*
5. *Conditions of entail and other conditions may be referred to instead of being inserted at length.*
6. *Burdens, conditions, and limitations may be referred to.*
7. *Services not to proceed till publication be made.*
8. *Caveats to be received.*
9. *Petition of service to be equivalent to a brieve and claim.*
10. *Procedures before the sheriff, and the effect of his judgment.*
11. *Competing petition may be presented, and sheriff, after receiving evidence, to give judgment.*
12. *Recording and extract of judgment.*
13. *The extract decrees to be equivalent to an extract retour.*
14. *Transmission of records.*
15. *Clerks of Chancery to be remunerated for keeping register, &c. by act of sederunt.*
16. *No person entitled to oppose a service who could not appear against a brieve of inquest.*
17. *Proceedings may be advocated for jury trial.*
18. *Where sheriff refuses to serve petitioner, &c. judgment may be reviewed.*
19. *Procedure when a decrees of service is brought under reduction.—Effect of the decrees of reduction.*
20. *Forms and effect of procedure in the Court of Session.*
21. *A decree of special service, besides operating as a retour, shall have the operation and effect of a disposition from the deceased to his heirs.*
22. *The deceased's incapacity to be no hindrance.*
23. *A special service not to infer a general representation, either active or passive.*
24. *Heir of line or heir male may petition for general service.*
25. *A general service may be applied for and obtained to a limited effect by annexing a specification;—and it shall infer only a limited passive representation.*
26. *Precepts of clare constat and entries more burgi to remain unaffected.*
27. *Jurisdiction of the sheriff of Chancery.*
28. *Power to the Court of Session to pass acts of sederunt.*
29. *Appointment of sheriff of Chancery.*

30. *Sheriff of Chancery, if required, to discharge the duties of presenter of signatures.*
31. *Agents may practise before sheriff courts.*
32. *Payment of the sheriff and sheriff clerk of Chancery.*
33. *Salary to be regulated by the Commissioners of the Treasury on vacancy.*
34. *Compensation, how to be applied for.*
35. *Compensation, how to be paid.*
36. *Interpretation of Act.*
37. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient to amend the law and practice in Scotland relative to the service of heirs,—

It is Enacted,

- i. That from and after the 15th of November 1847 the practice of issuing brieves from Chancery for the service of heirs shall cease, and it shall not be competent to any person to obtain himself served heir by virtue of any such brieve, or otherwise than according to the provisions of this Act.
- ii. That from and after the date aforesaid every person desirous of being served heir to a person deceased, whether in general or in special, and in whatsoever character, shall, instead of applying, as heretofore, for a brieve from Chancery, present a petition of service to the sheriff in manner hereinafter set forth.
- iii. That in every case in which a general service only is intended to be carried through, such petition shall be presented to the sheriff of the county within which the deceased had at the time of his death his ordinary or principal domicile, or, in the option of the petitioner, to the sheriff of Chancery to be appointed under the authority of this Act, and if the deceased had at the time of his death no domicile within Scotland, then in every such case to the sheriff of Chancery; and in every case in which a special service is intended to be carried through, such petition shall be presented to the sheriff within whose jurisdiction the lands or other heritages are situated, or, in the option of the petitioner, to the sheriff of Chancery, and in the event of the lands or heritages being situated in different counties then in every such case to the sheriff of Chancery.
- iv. That such petition shall be subscribed by the petitioner, or by a mandatory specially authorized for the purpose, and shall be in the form, or as nearly so as the case will admit, of one or other of the Schedules (A.) and (B.) hereunto annexed, and shall, under the exceptions after mentioned, set forth the particulars which, according to the law and practice heretofore existing, have been in use to be set forth with reference to a service sought to be carried through in any claim presented to a jury summoned under a brieve of inquest, and shall pray the sheriff to serve the petitioner accordingly: Provided always, that it shall not be necessary in such petition to set forth in any case the value of the lands, either according to new or old extent, or the valued rent thereof, or of whom the lands are held, or by what service or tenure they are held, or in whose hands the same have been since the death of the ancestor, or whether or how long the same have been in non-entry, or that the petitioner is of lawful age, or that the ancestor died at the faith and peace of the sovereign; but that in setting forth the death of the ancestor there shall also be set forth the date at or about which the said death took place; and that in every case in which the petitioner claims to be served heir of provision, whether in general or special, the deed or deeds under which he so claims shall be distinctly specified.
- v. That in all cases of special service, where the lands are held under a deed of entail, it shall be lawful and competent in such petition of service, and in the decree of service to follow thereon, and in the precepts, sasines, or other instruments necessary to complete the investiture of the lands which shall follow on such decree, to omit the full insertion of the conditions and provisions, and prohibitory, irritant, and resolute clauses of such deed of entail, provided such conditions and provisions, and prohibitory, irritant, and resolute clauses, shall be therein specially and directly referred to as set forth at full length in the recorded instrument of sasine in favour of the deceased person served to, or as set forth at full length in the deed of entail itself, if the same shall have been recorded in the register of tailzies, or as set forth at full length in any recorded instrument of sasine forming a part of the title deeds of the lands held under such deed of entail, such reference being made in the form or as nearly as may be in the form shewn in Schedule (B.) hereunto annexed; and the reference thus made to such conditions and provisions, and prohibitive, irritant, and resolute clauses, shall be held legally equivalent to the full insertion thereof, and shall to all intents, and in all questions whatever, whether *inter heredes* or with third parties, have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded deed or instrument referred to, notwithstanding of any injunction to the contrary contained in such deed of entail, and notwithstanding of any law or practice to the contrary, and notwithstanding the enactments or provisions to the contrary contained in an Act of the Parliament of Scotland made in the year 1685, intituled 'Act concerning Tailzies,' or in any other Act or Acts of the Parliament of Scotland or of Great Britain now in force, all which are hereby repealed to the extent of making this enactment operative, but no further.
- vi. That in all cases of special service, where the lands are held under any real burdens or conditions or limitations whatsoever appointed to be fully inserted in the investitures of such lands, it shall, notwithstanding such appointment, and notwithstanding any law or practice to the contrary now existing, be lawful and competent in the petition of service, and in the decree of service to follow thereon, and in the precepts, sasines, or other instruments necessary to complete the investiture which shall follow on such decree, to omit the full insertion of such real burdens or conditions or limitations; provided such real burdens or conditions or limitations shall be therein specially and directly referred to as set forth at full length in the recorded instrument of sasine in favour of the deceased person served to, or as set forth at full length in the recorded instrument of sasine or of resignation *ad remanentiam* of the said lands in which the same were first inserted, or in any other intermediate recorded instrument of sasine, such reference being made in the form or as near as may be in the form shewn in Schedule (B.) hereunto annexed; and the reference thus made to such real burdens or conditions or limitations shall be held as legally equivalent to the full insertion thereof, and to all intents and in all questions whatever, whether with the disponent or superior or third parties, shall have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded instrument referred to, not-

withstanding any law or practice or any Act or Acts of Parliament to the contrary, all which are hereby repealed to the extent of making this enactment operative, but no further.

VII. That when any such petition shall be presented to the sheriff of any county the service shall not proceed until publication shall be made in such county, nor until the sheriff clerk of the county shall have received from the sheriff clerk of Chancery official notice that publication had been made edictally in Edinburgh; and when such petition shall be presented to the sheriff of Chancery the service shall not proceed until publication shall have been made edictally in Edinburgh, nor until the sheriff clerk of Chancery shall have received official notice that publication has been made in the county of the domicile of the party deceased, or the county or counties in which the lands are situated, as the case may be; and the edictal publication in Edinburgh shall be at the office of the keeper of edictal citations in the general register office, and in the same mode and form as in edictal citations; and in the county of the domicile, and in the county or counties where the lands are situated, by affixing on the doors of the court-house, or in some conspicuous place of the court, or of the office of the sheriff clerk, as the sheriff may direct, a short abstract of the petition, and there shall be no farther publication; and the form of such abstract, and the mode or form of the official notice of such publications, shall be fixed and declared by the Court of Session, in virtue of the powers hereinafter mentioned.

VIII. That the sheriff clerk of Chancery to be appointed in virtue of this Act, and the sheriff clerks of each county shall be bound to receive any caveat against any petition of service to be presented to them respectively, and on the receipt of the petition of service referred to in the caveat, or of any official notice of any such petition which may be communicated to such sheriff clerk of Chancery or such sheriff clerks respectively, such sheriff clerk of Chancery or sheriff clerks shall within twenty-four hours thereafter write and put into the post-office a notice of such petition, addressed either to the agent by whom or to the person on whose behalf the caveat is entered, according to the name and address which shall be stated in such caveat, the clerk receiving therefor a fee for his own use of such amount as shall be fixed by act of sederunt as aforesaid.

IX. That a petition of service so presented shall after expiration of the period hereinafter mentioned, be equivalent to and have the full legal effect of a brief of service duly executed, and of a claim duly presented to the inquest, according to the law and practice heretofore existing; and every petition of service, without further publication than is herein provided and may be directed by act of sederunt, shall be held as duly published to all parties interested, and the decree to follow upon such petition shall not be questionable or reducible upon the ground of omission or inaccuracy in the observance by any officer or official person of any of the forms or proceedings herein prescribed or which shall be prescribed by act of sederunt made in relation to such petitions of service.

X. That in regard to all petitions of service presented to the sheriff of Chancery or to the sheriff of a county respectively where the deceased died in Scotland, no evidence shall be led nor decree pronounced thereon by such sheriff, until after the lapse of fifteen days from the date of the latest publication, or where publication is to be made in Orkney or Shetland, or the petition is presented to the sheriff of Orkney or Shetland, until after the lapse of thirty days from such date, and in regard to all petitions of service to be presented to the sheriff of Chancery where the deceased died abroad, no evidence shall be taken nor decree pronounced thereon by him until after the lapse of thirty days from the date of publication in Edinburgh; and it shall be lawful, after the lapse of the times respectively above mentioned, to the sheriff to whom such petition of service shall have been presented, by himself or by the provost or any of the bailies of any city or royal burgh, who is hereby authorized to act as Commissioner of such sheriff without special appointment, or by any Commissioner whom such sheriff may appoint, to receive all such evidence, documentary and parole, as according to the law and practice heretofore existing might competently be laid before the jury summoned under the brief of inquest, and any parole evidence so received shall be taken down in writing according to the existing practice in the sheriff courts of Scotland, and a full and complete inventory of the documents produced shall be made out, and shall be certified by the sheriff or his Commissioner aforesaid; and on considering the said evidence the sheriff shall, without the aid of a jury, pronounce judgment, serving the petitioner in terms of the petition, in whole or in part, or refusing to serve the said petitioner, and dismissing the petition, in whole or in part, as shall be just; and the said judgment shall be equivalent to and have the full legal effect of the verdict of the jury under the brief of inquest according to the law and practice heretofore existing.

XI. That it shall be lawful to any person who may conceive that he has a right to be served preferable to that of the person petitioning the sheriff as aforesaid, also to present a petition of service to the sheriff in manner and to the effect aforesaid, and which shall be proceeded with in manner hereinbefore directed; and it shall be lawful to the sheriff if he shall see cause, to sist procedure on the first petition in the meantime, and to conjoin the said petitions, and thereafter to proceed to take evidence in manner hereinbefore directed, allowing to each of the parties not only a proof in chief with reference to his own claim but a conjunct probation with reference to the claim of such other parties; and the sheriff shall, after receiving the evidence, pronounce judgment on the said petitions, serving or refusing to serve as may be just, and shall at the same time dispose of the matter of expenses.

XII. That on the application of the petitioner in whose favour a judgment shall have been pronounced by the sheriff as aforesaid the sheriff clerk shall forthwith transmit to the office of the director of Chancery the petition on which such judgment was pronounced, together with such judgment, the proof taken down in writing as aforesaid, and the inventories of written documents made up and certified as aforesaid, and also any other parts or steps of the process, excepting any original documents or extracts of recorded writs produced therewith, which after judgment is pronounced shall be returned, on demand, to the parties producing the same; and on the proceedings being so transmitted to Chancery such judgment shall be recorded by the director of Chancery, or his depute, in the manner and form to be directed or approved of from time to time by the lord clerk register; and on such judgment being so recorded the director of Chancery, or his depute, shall prepare an authenticated extract thereof, and transmit the same without delay, and without charge or expense against the party in respect of the transmission and retransmission, to the sheriff clerk of the county, to be by him delivered to the party or his agent in the sheriff court; and such proceedings and judgment shall, both prior and subsequent to the said transmission, be at all times patent and open to inspection in the office of the sheriff clerk and of the director of Chancery respectively; and certified copies shall be given to any party demanding the same, on payment of such fees as shall be fixed as aforesaid.

XIII. That the decree of service so recorded and extracted shall have the full legal effect of a service duly retoured to Chancery, and shall be equivalent to the retour of a service under the briefs of inquest according to the law and practice heretofore existing; and the extract of such decree, or any second or later extract thereof, under the hand of the proper officer entitled to make such extracts for the time, shall be equivalent to and have the full legal effect of the certified extract of the retour now in use according to the existing law and practice; and the decrees of service so recorded and extracted shall not be liable to challenge, nor be set aside, except by a process of reduction to be brought before the Court of Session as heretofore in use with regard to services duly retoured in Chancery.

XIV. That the book or books in Chancery in which such decrees shall be recorded as aforesaid shall be issued under the direction and authority of the lord clerk register, for which no more than the prime cost shall be charged; and it shall not be lawful for the director of Chancery to use any other book or books in framing the said records; and the said book or books shall be intitled "The Record of Services," and shall have an index or abridgment connected therewith, to be prepared in Chancery in the form and manner to be pointed out or approved of by the lord clerk register; and such index shall be completed as soon as possible after the end of each year, and shall be printed and published, and printed copies thereof shall be distributed and disposed of in such manner as shall be directed or approved of by the lord clerk register; provided always, that if a more general distribution or publication of such index or abridgment other than to the official individuals to be fixed by the lord clerk register, shall be made, then and in that case copies of the index or abridgment aforesaid shall be sold to the public at the lowest rate which will defray the expense of printing the same, and an account of the sums to be received shall be exhibited by the director of Chancery, and be examined and audited along with his other accounts; and such index or abridgment shall be so prepared, printed, and distributed at latest by the 1st of July in each year, beginning with the year 1848; and the said record of services and other proceedings shall be at all times patent and open to inspection in the office of Chancery, on payment of such a fee as shall be regulated by act of sederunt, and extracts from the said record, or certified copies of the said proceedings, shall be given to any one demanding the same, on payment of such fees as shall be fixed by act of sederunt, by virtue of the powers herein conferred; and the director of Chancery shall have the power and is hereby required to direct and regulate the sheriff clerks in the several counties and the sheriff clerk of Chancery in regard to the manner of arranging and transmitting the petitions of service and procedure thereon, and also to prepare and furnish to the sheriff clerks of the several counties the requisite printed forms of the intimations to be sent by them through the post-office to the sheriff clerk of Chancery when petitions of service shall be presented in their respective courts, or when they shall have received notice to publish petitions that have been presented to the sheriff of Chancery.

XV. That the amount of the remuneration to the clerks of Chancery for keeping the record of services, and arranging the warrants, and preparing the indexes and abridgments, shall be fixed by act of sederunt, to be made by the lords of council and session in virtue of the powers herein conferred; and such remuneration together with the expense of printing the index or abridgment aforesaid, shall be paid from the fees collected in the office of Chancery, and an account thereof shall be exhibited by the director of Chancery, and be examined and audited along with his other accounts.

XVI. That no person shall be entitled to appear and oppose a service proceeding before the sheriff in terms of this Act who could not competently appear and oppose such service proceeding under the briefs of inquest according to the law and practice heretofore existing; and all objections shall be presented in writing, and shall forthwith be disposed of in a summary manner by the sheriff; but without prejudice to the sheriff, if he see cause, allowing parties to be heard *visd voce* thereon.

XVII. That in all cases in which there are competing petitions conjoined as aforesaid, or in which any person has competently appeared to oppose any petition of service presented to the sheriff in terms of this Act, it shall be competent to such of the parties as may conceive the case proper to be disposed of by jury trial, at any time before the proof is begun to be taken by the sheriff in manner before provided, to present a note of advocacy to the Court of Session paying the court to advocate the proceedings in order that the case may be tried by a jury, which note of advocacy shall be proceeded with in like manner with notes of advocacy presented with a view to jury trial against judgments of the sheriff courts of Scotland according to the existing practice, and such judgment shall be pronounced on the said note of advocacy as shall be just; and in the event of its appearing proper that the case should be tried by a jury, the lord president of either of the two divisions of the said court or such other of the lords of session as the Court may appoint, or as may be arranged by the lord president of the division, shall be the judge at the trial and preside thereat in like manner as is done according to the existing practice in trials by jury, and the jury shall be chosen and summoned in like manner as on such trials; and the verdict to be returned by the jury shall be equally final and conclusive with the verdicts at present returned in trials by jury in the said court, but with all and the like remedies by bill of exceptions, motion for new trial, or otherwise at present competent: Provided always, that in every case in which the jury shall find a verdict in favour of a party petitioning to be served the Court shall, at the same time with applying such verdict, remit to the sheriff from whom the case was advocated, with instructions to pronounce a decree serving the said party in terms of this Act, which decree may thereafter be extracted, and the extract thereof recorded and given out in manner and to the effect before provided.

XVIII. That in every case in which the sheriff has refused to serve a petitioner, or dismissed his petition, or repelled the objection of an opposing party, it shall be lawful to bring the said judgment under review by note of advocacy presented to the Court of Session: Provided always, that such note shall be presented within fifteen, or, where the proceedings have been taken in the courts of Orkney or Shetland, thirty days from the date of the said judgment; and that where the judgment has been pronounced after opposition duly entered or in competition, such note shall be intimated to the opposite party, and a bond of caution for expenses be lodged with the sheriff clerk, in like manner and under the same regulations as in the case of advocations of final judgments of the sheriff courts of Scotland according to the presently existing practice, and such note shall be proceeded with in like manner with the notes of advocacy against final judgments aforesaid; and it shall be competent to the said Court, if it shall appear necessary for the right determination of the case, to allow further or additional evidence to be taken, or to remit to the sheriff to take the same, or to appoint the case, or special issues therein, to be tried by a jury in manner and to the effect

and with all and the like remedies as are before provided, and such judgment shall be pronounced on such note of advocacy as shall be just: Provided always, that in every case in which the sheriff has refused to serve but in which the Court of Session shall be of opinion that the party ought to be served, a remit shall be made to the sheriff, with instructions to pronounce a decree serving the said party in terms of this Act, which decree may be thereafter recorded and extracted in manner and to the effect before provided: Provided also, that nothing herein contained shall prejudice the right of any person whose petition of service shall be refused without any opposing or competing party having appeared and been heard on the merits of the competition to present a new petition at any time thereafter, or the right of either party in any of the proceedings hereby authorized in the court of the sheriff to bring under challenge whatever judgment may be pronounced therein, by process of reduction before the Court of Session on any competent ground.

XIX. That in every case in which a process of reduction of any decree of service shall be brought before the Court of Session it shall be competent to the said Court, if it shall appear necessary for the right determination of the case, either to allow further or additional evidence to be taken in such manner as may appear proper, or to appoint the case, or special issues therein, to be tried by a jury; and such jury trial shall proceed in the same manner and to the like effect and with all and the like remedies as are before provided in regard to jury trials under notes of advocacy, and such judgment shall be pronounced in the said process as shall be just: Provided always, that wherever the judgment of the sheriff brought under reduction has proceeded on competing petitions conjoined as aforesaid, and the Court of Session shall determine that a different person should be served from the person preferred by the sheriff, a remit shall be made to the sheriff, with instructions to pronounce a decree serving the said person in terms of this Act, which decree may be thereafter recorded, and an extract thereof given out in manner and to the effect before provided; and in any case of reduction of a service the judgment shall be conclusive, as between the parties to the suit, against the party whose service is reduced, and shall have the same effect as if the action had contained a conclusion of declarator that the party served was not entitled to be served in the character claimed, and judgment had been pronounced in terms of that conclusion.

XX. That all proceedings authorized by the present Act to be taken in the Court of Session shall commence and be carried on in the same manner with the same description of proceedings in ordinary civil cases, and any judgment pronounced by the Lord Ordinary therein may be brought under review of the Inner House by reclaiming note in like manner as in such cases, and all judgments to be pronounced by the Court of Session in terms of this Act shall be equally final and conclusive as the judgments pronounced by the said Court in ordinary civil cases, and shall not be liable to review by reduction or otherwise, save and except to such extent and effect as judgments by the said court in ordinary civil cases are so liable: Provided always, that it shall be competent to appeal against the said judgments to the House of Lords in like manner as against judgments of the Court in ordinary civil cases aforesaid.

XXI. That for the purpose of completing the feudal title of the heir so served, but of such heir only, every decree of special service shall contain a precept of sasine, and such decree being recorded and extracted as aforesaid, shall to all intents and purposes, unless and until reduced, be held equivalent to and have the full legal operation and effect of a disposition in ordinary form granted by the party deceased being last infeft of the lands contained in such service to and in favour of the heir so served, and to his other heirs and successors entitled to succeed under the destination of the lands contained in the deceased's investiture thereof, but under the whole conditions and qualifications of such investiture as set forth or referred to in such extracted decree of special service, containing obligation to infeft by two several infeftments and manners of holding, one thereof to be holden of the deceased and his heirs in free blench for payment of 1*d.* Scots in name of blench farm at Whitsunday yearly, upon the ground of the said lands, if asked only, and freeing and relieving the deceased and his heirs of all feu duties and services exigible out of the said lands by their immediate lawful superiors thereof, and the other of the said infeftments to be holden from the deceased and his heirs of and under their immediate lawful superiors in the same manner that the deceased, his predecessors and authors, held or might have holden the same, and that by confirmation, with assignation to the whole writs and rents of the lands, and precept of sasine for infefting the party served and his successors in the lands, all in common form; and in order that such sasine may be so taken by and the feudal title be completed in the person of the heir so serving, it shall be lawful and competent for him to use such decree of special service in the same manner and to the same effect as if such decree were actually a disposition of the nature above mentioned, and in particular he shall be entitled to obtain infeftment in the said lands in virtue of the precept of sasine in such decree of special service, any notary public to whom such extracted decree may be presented being hereby authorized to give infeftment in virtue thereof accordingly, which infeftment may be in the form given in the Schedule (C.) hereunto annexed, and shall, with such decree of special service, form as effectual an investiture in the said lands, holding base of the deceased and his heirs, until confirmation thereof shall be granted by the deceased's superior or his successors, as if such investiture had been created by a disposition from the deceased as aforesaid, with an infeftment passed on the precept of sasine therein contained; but such service shall not be transmissible for the purpose of infefting in manner and to the effect aforesaid the heir or assignee of the person so served: Provided always, that such decree and sasine, notwithstanding of any prohibition against sub-infeudation or alternative holding contained in the charter or contract or other deed by which the vassal's right is constituted, shall form a valid feudal investiture in favour of such heir, without prejudice to the right of the superior to require such heir to enter forthwith as accords of law, and to deal otherwise with such heir as a vassal unentered.

XXII. That such decree of special service shall have the full effect and operation aforesaid, although the deceased should have died in nonage, or been of insane mind, or laboured under any other disability whatever, and as if a disposition in the terms aforesaid had been granted by the party deceased when of full age and capacity to grant it.

XXIII. That no decree of special service to be obtained in virtue of this Act shall operate or be held as equivalent to or as implying a general service to the deceased in the same character, except as to the particular lands and other heritages thereby embraced; and every such decree of special service shall infer only a limited passive representation of the deceased, and the person thereby served as heir shall be liable for the deceased's debts and deeds only to the extent or value of the lands and other heritages embraced by such special service and no farther.

XXIV. That in any petition for special service as heir of line or heir male it shall be competent to the petitioner to pray for general service in the same character, and decree may be pronounced in terms of such prayer as well as for special service; and no farther notice or publication of the petition of service shall in such case be necessary than is hereby required for such petition of special service.

XXV. That from and after the 15th of November 1847 it shall be lawful for any person presenting a petition for general service to a deceased person to state in such petition, in the form, as nearly as the case will admit, pointed out in Schedule (D.) hereunto annexed, that he desires the effect thereof to be limited to certain lands or other heritages which belonged to the deceased, and which shall be embraced in a particular specification thereof, to be annexed to such petition for general service, which specification shall be in the form, or as nearly as may be in the form, given in the said Schedule (D.), and shall be subscribed by the petitioner or his mandatory; and in preparing an abstract of such petition for insertion in the minute-book of the court in which it shall be presented, and for publication, it shall be described as a petition for general service, with specification annexed; and the sheriff to whom such petition for general service, with a specification annexed, shall be presented, in pronouncing decree of service on such petition shall make reference to the specification annexed thereto, and shall limit such decree of service to the lands and other heritages described in the said specification, and the effect of such decree shall accordingly be taken and held in law as so limited; and a copy of such specification shall be embodied in the extracts of the said decree, and shall be signed by the sheriff clerk, and recorded as part thereof; and every such decree of general service, with specification annexed, shall infer only a limited passive representation of the deceased, and the person thereby served as heir shall be liable for the deceased's debts and deeds only to the extent or value of the lands or other heritages contained in the relative specification.

XXVI. That nothing herein contained shall in any way affect the law or practice presently existing in regard to the entry of heirs by precept of *clare constat*, or the service and entry of heirs *more burgi*, in burghs, in tenements holden in burgage, or by any similar mode of tenure known and effectual in law.

XXVII. That the sheriff of Chancery shall have and possess such and the like authority and jurisdiction to entertain, try, and adjudicate, but in the manner prescribed and directed by this Act, all questions of and relating to the service of heirs, as any sheriff or Judge Ordinary now has and possesses in any case competent before such sheriff or Judge Ordinary, or in any case competent before the sheriff of Edinburgh acting on special commission; and such sheriff of Chancery and his substitute shall hold their courts in any court room within the Parliament or new Session House of Edinburgh which may be assigned by the Lords of Session for that purpose, or in which the sheriff of Edinburgh is in use to sit for the trial of any brieve.

XXVIII. That it shall be competent to the said Court of Session, and they are hereby authorized and required, from time to time to pass such acts of sederunt as shall be necessary or proper for regulating in all respects the proceedings under this Act before the sheriff of Chancery or sheriffs of counties, and following out the purposes of this Act; and the fees to be paid in respect of any of the proceedings to be taken in virtue hereof, and also the charges to be made by agents and solicitors, whether in the inferior court or Court of Session, for any proceedings under this Act, shall be audited and taxed in the same manner as charges for other judicial proceedings in the said courts respectively are audited and taxed.

XXIX. That it shall be lawful for Her Majesty from time to time to appoint a fit person, being a person qualified for the office of sheriff of a county in Scotland, to be the sheriff of Chancery for the purposes of this Act, and also to appoint a fit person to act both as sheriff clerk of Chancery and as clerk to the presenter of signatures in Exchequer.

XXX. Provided and enacted, That the sheriff of Chancery shall, when authorized and required by the Lord Justice General and President of the Court of Session, discharge the duties at present or which may hereafter be attached to the office of presenter of signatures, or any part of these duties, and that during such part of the year as may be required of him.

XXXI. That it shall be lawful and competent for agents qualified to practise before the Court of Session or before any sheriff court to practise before the sheriff of Chancery as well as in the ordinary sheriff courts in petitions of service.

XXXII. That the sheriff of Chancery and sheriff clerk of Chancery shall respectively receive such salaries in respect of their offices as shall be from time to time fixed by the Lord High Treasurer of the United Kingdom of Great Britain and Ireland, or by the Commissioners of Her Majesty's Treasury of the said United Kingdom, or any three or more of them, and such salaries shall be payable out of the fees receivable in the office of Chancery, and form a part of the incidental expenses of the said office, and shall be stated and audited in the public accounts of the director and clerks of Chancery.

XXXIII. That whenever any vacancy shall occur in the office of sheriff of Chancery it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, to regulate the salary of the sheriff of Chancery as the then circumstances of the office may require.

XXXIV. That it shall be lawful for any person who conceives that he is entitled to compensation for loss to be suffered through the operation of this Act to make application to the Lord High Treasurer, or to the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland for the time being, claiming such compensation; and it shall be lawful for the said Lord High Treasurer or Commissioners of Her Majesty's Treasury to investigate such claim, and call for such evidence in relation thereto as he or they may think necessary; and upon such claim being established to his or their satisfaction the said Lord High Treasurer or Commissioners of Her Majesty's Treasury, or any three of them, is and are hereby authorized and empowered to award to such person such compensation as he or they shall think him entitled to, either by the payment of a gross sum or by way of annuity, as he or they shall think proper: Provided always, that a copy of every such award for compensation shall be laid before both Houses of Parliament within ten days from the date thereof, if Parliament shall be then sitting, and if not, then within ten days after the commencement of the session next ensuing, and no such award shall be final and conclusive until two months after the same shall have been so laid before Parliament; provided also, that if any person to whom

compensation shall be so awarded by way of annuity shall be afterwards appointed to any other public office, such compensation shall be accounted *pro tanto* of the salary payable to such person in respect of such other office while he shall continue to hold the same.

xxxv. That the several compensations which may be awarded under the authority of this Act shall be payable and paid out of the monies which by the Acts of 7 Anne and 10 Anne, were made chargeable with the fees, salaries, and other charges allowed or to be allowed for keeping up the Courts of Session, Justiciary, or Exchequer in Scotland.

xxxvi. That the following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (this is to say.)

Words importing the singular number shall include the plural number, and words importing the plural shall include the singular number :

Words importing the masculine gender shall include females :

The word "month" shall mean calendar month :

The word "lands" shall extend to and include teinds, fishings, patronages, houses, lands, tenements, and heritages of every description, and generally all rights and subjects which may competently be taken up by general or special service :

The word "sheriff" shall include sheriff substitutes and the sheriff of Chancery appointed in virtue of this Act, and the presenter of signatures acting as his substitute.

xxxvii. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Petition of General Service.

Unto the Honourable the Sheriff of [*specify the County, or say "of Chancery,"*] the petition of *A.B.*, [*here name and design the Petitioner,*]

Humbly sheweth,

That the late *C.D.* [*here name and design the Ancestor to whom Service is sought*] died on or about the _____ Day of _____, and had, at the Time of his Death, his ordinary or principal Domicile in the County of [*or furth of Scotland, as the Case may be*].

That the Petitioner is the eldest Son and nearest lawful Heir [*or state what other Relationship or Character of Heir the Party bears, and if the Service is as Heir of Provision, say, "nearest lawful Heir of Provision under and by virtue of a Deed executed by E.F., dated the _____ Day of _____" in General of the said C.D.*]

May it therefore please your Lordship to serve the Petitioner nearest and lawful Heir in General to the said *C.D.*, [*or whatever other Character of Heir is sought to be established here set it forth.*]

According to Justice, &c.

(Signed by the Petitioner or his Mandatory.)

SCHEDULE (B.)

Form of Petition of Special Service.

Unto the Honourable the Sheriff of [*specify the County, or say "of Chancery,"*] the Petition of *A.B.*, [*here name and design the Petitioner,*]

Humbly sheweth,

That the late *C.D.* [*here name and design the Ancestor,*] died on or about the _____ Day of _____ last, veat and seised in [*here describe the Lands or Subjects with reference to which the Service is sought*] conform to Charter, [*or Disposition, or Precept of Clare constat, or whatever else was the Deed on which the Ancestor's Infefment proceeded here specify it,*] dated the _____ Day of _____, and to Instrument of Sasine following thereon, recorded in the _____ Register of Sasines, at _____ the _____ Day of _____

That the Petitioner is the eldest Son and nearest lawful Heir [*or state what other Relationship or Character the Party bears, and if the Service is as Heir of Provision, say, "nearest lawful Heir of Provision," or "of Tailzie and Provision"*] in Special of the said *C.D.* in the Lands and others foresaid.

(*If it is wished to embrace a Service in General where the Service in Special is as Heir of Line or Heir Male, say "That the petitioner is likewise Heir in General [or Heir Male in General] of the said C.D.," and at the End of the Prayer add, "and likewise as Heir in General [or Heir Male in General of the said C.D.]"*)

May it therefore please your Lordship to serve the Petitioner nearest and lawful Heir in Special of the said deceased *C.D.* in the Lands and others above described [*or whatever else is the Character of Heir sought to be established here set it forth as above*].

According to Justice, &c.

(Signed by the Petitioner or his Mandatory.)

Note.—When the Lands are held under a Deed of Entail, here add, "But always with and under the Conditions and Provisions, and prohibitory, irritant, and resolutive Clauses, contained in a Deed of Entail granted by G.H. [*here name and design*]

the Granter] on the Day of in favour of I.K. and the Heirs [here insert the whole Destination of the Entail,] and which Conditions and Provisions, and Clauses prohibitory, irritant, and resolute, are herein referred to, as at length set forth in the said Deed of Entail, which is recorded in the Register of Entails on the Day of [or as at Length set forth in the above-mentioned registered Sasine in favour of the Deceased, or as at Length set forth in any other Instrument of Sasine duly registered," or, if the Petitioner prefer it, he may here fully insert them.] And where there are any Real Burdens, Restrictions, or Qualifications of any Kind, either proper to be inserted or referred to, insert them here, or refer to them as at Length set forth in the registered Sasine of the Deceased, or in some previous Instrument of Sasine duly registered.

When there is an Entail, say, at the End of the Prayer of the Petition, "But always under the Conditions, Provisions, Restrictions, Clauses prohibitory, irritant, and resolute, and others above referred to or above written;" and where there are Real Burdens, &c., say, "But always with and under the Real Burdens, &c. above referred to or above written."

SCHEDULE (C.)

Form of an Instrument of Sasine on an Extract Decree of Special Service.

At there was [by or] on behalf of A.B. [here state the Heir's Name and Designation] presented to me, Notary Public, subscribing an Extract Decree of Special Service obtained before the Sheriff of [or the Sheriff of Chancery], on the [here insert the Date of the Decree], whereby the said Sheriff found that the late C.D. [here name and design the Ancestor] died last vest and seised as of Fee in [here describe the Lands or other Subjects], and that the said A.B. is the nearest and lawful Heir in Special of the said deceased C.D. in the lands and others aforesaid [or whatever else is the Character of Heir mentioned in the Decree here set it forth; and if there is an Entail, &c. add the qualifying Words as in the Decree,] and which Extract Decree of Special Service contains a Precept of Sasine in the following Terms, videlicet [here insert the Precept verbatim]. In virtue of which Precept I hereby give Sasine to the said A.B. of the Lands and others above described. In witness whereof I have subscribed these Presents, written on this and the preceding Pages by E.F., my Clerk, before these Witnesses, the said E.F. and G.H. my Apprentices.

E.F., Witness.

G.H., Witness.

(Signed)

L.K., Notary Public.

Note.—When the Lands are held under a Deed of Entail, or when there are Real Burdens, Restrictions, Reservations, or other Qualifications, insert or refer to them as in the Decree.

SCHEDULE (D.)

(1.)

Forms for a General Service where it is to be limited in its Effects by a Specification annexed.

The Petition will be in the Form of Schedule (A.), adding at the Close of the Statement of the Petitioner, "But the Petitioner desires that his General Service shall be limited to the Contents of the Specification annexed;" and adding at the Close of the Prayer of the Petition, "but under Limitation as aforesaid to the Contents of the Specification annexed."

(2.)

Specification of the Lands and other Heritages which belonged to the deceased C.D. referred to in the Petition for General Service presented to the Sheriff of by A.B. as Heir of in General to the said deceased C.D.

[Here insert a Description of the Lands and other Heritages intended to be included in the Service, distinguishing each separate Property or Heritage, if there are more than One, by a separate Number.]

(Signed by the Petitioner or his Mandatary.)

CAP. XLVIII.

AN ACT to facilitate the Transference of Lands and other Heritages in Scotland not held in Burgage Tenure.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. In conveyances of land, &c. certain clauses may be inserted in the short forms given in Schedule (A.)
2. Explanation of the import of the clause of obligation to infest.
3. Explanation of the import of other clauses in Schedule (A.)
4. Conditions of entail may be referred to as already in the register of entails or register of sasines.

5. *Real burdens may be referred to as already in the register of sasines.*
6. *Superior may be compelled to grant entries by confirmation.*
7. *Charters of confirmation in the form of Schedule (D.) to imply a general confirmation of all the title deeds of the lands.*
8. *Where superior's title incomplete, owner may in certain cases apply to Lord Ordinary on the Bills to ordain him to complete his title and grant an entry, under pain of forfeiture.*
9. *Or owner may, in such case, apply to Lord Ordinary on the Bills to authorize application for an entry to the Crown or prince or mediate superior as in vice of the recusant superior.*
10. *Lands to be held temporarily of the Crown or prince or mediate superior.*
11. *The party in right of the superiority may lodge a minute tendering relinquishment of his right, and if accepted by the petitioner, the Lord Ordinary may interpose his authority.*
12. *Over-superior's rights not to be extended or affected.*
13. *Vassal obtaining or accepting forfeiture or relinquishment of superiority to be liable for its value, but forfeiture or relinquishment not to infer representation.*
14. *Forfeiture to take effect and relinquishment lawful although superiority form part of an estate held under prohibitions against alienation, &c.*
15. *Precepts of clare constat not to fall by death of the granter.*
16. *General and special and general special charges to be no longer competent.*
17. *Bill for summonses of adjudication and of sale abolished.*
18. *Unnecessary to libel and conclude for decree of special adjudication.*
19. *Decrees of adjudication and of sale to contain warrant for infeftment a me vel de me, and infeftment may follow accordingly.*
20. *Judgment of Lord Ordinary on the Bills subject to review of Inner House, and judgment in certain cases to be final.*
21. *Court of Sessions may make acts of sederunt.*
22. *Interpretation clause.*
23. *Act when to take effect.*
24. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient to facilitate the transference of lands and other heritages in Scotland, and to render the same less expensive, and for that purpose to amend the law of Scotland relative thereto:—

It is Enacted,

I. That in all dispositions and conveyances and other deeds and instruments necessary for the transmission of lands and other heritages in Scotland not held burgage, in which all or any of the following clauses are necessarily or usually inserted (*videlicet*,) a clause declaring the term of entry, a clause of obligation to infeft, a procuratory of resignation, a clause of assignation of writs and evidents, a clause of assignation of rents, a clause of obligation to free and relieve of feu duties and casualties due to the superior, and of public burdens, a clause of warrandice, a clause of resignation for preservation, or for preservation and execution, and a precept of sasine, it shall be lawful and competent to insert all or any of such clauses in the form, or as nearly as may be in the form, set forth in Schedule (A.) hereunto annexed; and all or any of such clauses, if so inserted in any such disposition or conveyance or other deed or instrument, shall be as valid, effectual, and operative to all intents, effects, and purposes as if they had been expressed in the fuller mode or form now generally in use.

II. That the clause of obligation to infeft, if the clause shall be limited to an obligation to infeft *a me* only, shall be held to imply an obligation on the disponent to infeft the disponee and his heirs and assignees in the subjects conveyed upon their own expenses, to be holden from the disponent and his heirs and successors of and under their immediate lawful superiors in the same manner as the disponent himself, or his predecessors or authors, held, hold, or might have holden the same, and that either by resignation or confirmation, or both, the one without prejudice of the other; and the obligation to infeft, if granted to be holden *a me vel de me*, shall be held to imply an obligation on the disponent to infeft the disponee and his heirs and successors upon their own expenses by two several infeftments and manners of holding, one thereof to be holden of the disponent and his heirs and successors in free blench for payment of a penny Scots in name of blench farm at Whitsunday yearly upon the ground of the lands, if asked only, and freeing and relieving him and them of all feu duties, and other duties and services exigible out of the said lands and others, by their immediate lawful superiors thereof, and the other of the said infeftments to be holden from the granter and his forebears of and under their said immediate lawful superiors in the same manner as the granter, or his predecessors or authors, held, hold, or might have holden the same, and that either by resignation or confirmation, or both, the one without prejudice of the other.

III. That the clause for resigning the lands shall be held and taken to be equivalent to a procuratory of resignation in the terms now in use, and in the case of conveyances by a vassal to his superior as equivalent to a procuratory of resignation *ad remanentiam*; and the clause of assignation of writs and evidents, unless specially qualified, shall be held to import an absolute and unconditional assignation to such writs and evidents, and to all open procuratories and precepts therein contained to which the disponent has right; and the clause of assignation of rents, unless specially qualified, shall be held to import assignation to the rents to become due for the possession following the term of entry, according to the legal and not the conventional terms, unless in the case of forehand rents, in which case it shall be held to import an assignation to the rents payable at the conventional terms subsequent to the date of entry; and the clause of warrandice, unless specially qualified, shall be held to imply absolute warrandice as regards the lands, and writs and evidents and warrandice from fact and deed as regards the rents, and the obligation to free and relieve from feu duties, casualties, and public burdens, unless specially qualified, shall be held to import an obligation to relieve of all feu duties or other duties and services or casualties payable to the superior, and of all public, parochial, and local burdens due from or on account of the said lands, prior to the date of entry; and the clause of consent to

registration, unless specially qualified, shall import a consent to registration and a procuratory of registration in the books of council and session, or rather Judges books competent, therein to remain for preservation, and also, if for execution, that letters of horning and all necessary execution shall pass thereon upon six days' charge, on a decree to be interposed thereto in common form.

iv. That in all cases where lands or other heritages are or shall hereafter be held under a deed of entail, it shall be lawful and competent, in dispositions and conveyances of such lands, and in the procuratories, charters, precepts of *clare constat*, decrees of adjudication, instruments of sasine, and all other deeds and instruments of what nature soever necessary to transmit, renew, or complete a title under such entail in such lands, to omit the full insertion of the conditions and provisions, and prohibitory, irritant and resolutive clauses, of such deed of entail, provided such conditions and provisions, and prohibitory, irritant, and resolutive clauses, shall be in such dispositions and conveyances, procuratories, charters, precepts of *clare constat*, decrees of adjudication, instruments of sasine, and other deeds and instruments aforesaid, specially referred to as set forth at full length in the recorded deed of entail, if the same shall have been recorded in the register of tailzies, or as set forth at full length in any recorded instrument of sasine forming part of the progress of title deeds of the said lands under the said entail, such reference being made in the terms, or as nearly as may be in the terms, set forth in Schedule (B.) hereunto annexed; and the reference thus made to such conditions and provisions, and prohibitory, irritant, and resolutive clauses, shall be held to be equivalent to the full insertion thereof, and shall to all intents and in all questions whatever, whether *inter heredes*, or with third parties, have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded deed or instrument referred to, notwithstanding any law or practice to the contrary, or any injunction to the contrary contained in such deed of entail, and notwithstanding the enactments or provisions to the contrary contained in an Act of the Parliament of Scotland, 1685, intituled 'Act concerning Tailzies,' or any other Act or Acts of Parliament now in force, all which are hereby repealed to the extent of making this Act operative, but no further.

v. That in all cases where lands or other heritages are or shall hereafter be held under any real burdens or conditions or limitations whatsoever appointed to be fully inserted in the investitures of such lands, it shall, notwithstanding such appointment, and notwithstanding any law or practice to the contrary now existing, be lawful and competent, in dispositions and conveyances of such lands, procuratories, charters, precepts of *clare constat*, decrees of adjudication, instruments of sasine, and other deeds and instruments of what nature soever necessary to transmit, renew, or complete the feudal title thereto, to omit the full insertion of such real burdens or conditions or limitations, provided such real burdens or conditions or limitations shall, in such dispositions and conveyances, procuratories, charters, precepts of *clare constat*, decrees of adjudication, instruments of sasine, and other deeds and instruments aforesaid, be specially referred to as set forth at full length in the recorded instrument whether of sasine or of resignation *ad remanentiam* wherein the same were first inserted, or in any recorded instrument of sasine of subsequent date forming part of the progress of titles of the said lands, such reference being made in the terms, or as nearly as may be in the terms, set forth in Schedule (C.) hereunto annexed; and the reference thus made to such real burdens or conditions or limitations shall be held to be equivalent to the full insertion thereof, and shall to all intents and in all questions whatever, whether with the disponent or superior or third parties, have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded instrument referred to, notwithstanding any law or practice to the contrary, and notwithstanding any Act or Acts of Parliament to the contrary which are hereby repealed to the effect of making this enactment operative, but no further.

And after reciting that the entry of heirs and disponees by charter of confirmation from the superior is in daily use and practice, and such form and mode of entry is in many cases more convenient than entry by resignation, without being of prejudice to the interests of the superior:—

It is Enacted,

vi. That where any person shall be infeft in lands or heritages in Scotland holden of a subject superior upon a disposition or other deed of conveyance granted by the person last entered and infeft, or granted by a person whose own title to such lands and heritages is capable of being made public by confirmation according to the existing law and practice, which disposition shall contain an obligation to infeft *a me* or *a me vel de me*, or upon a decree of special service, or upon a decree of adjudication or of sale, containing a warrant of infeftment in terms of this Act, it shall be lawful and competent for such person, upon production to the Lord Ordinary on the Bills in the Court of Session of his sasine in the said lands and warrants of the same, and upon shewing the terms and conditions under which the said lands are holden of the superior thereof, to obtain warrant for letters of horning to charge the superior to grant in favour of such party a charter of confirmation in the same way and form as is provided and in use for compelling entry by resignation: Provided always, that the charger shall at the same time pay or tender to such superior such duties or casualties as he is by law entitled to receive upon the entry of the charger; and that it shall be lawful for every such superior to shew cause why he ought not to be compelled to give obedience to such charge by offering a note of suspension to the Court of Session in the usual manner: Provided also, that such superior shall be entitled to insert in the charter to be granted by him the clauses of *tenendas* and *reddendo* contained in the former charters of such lands and heritages, and all other clauses and conditions contained therein, in so far as the same are usual and necessary, and are not set forth in such instrument of sasine, or duly referred to in terms of this Act, or of an Act, 10 & 11 Vict. c. 47, intituled 'An Act to amend the Law and Practice of Scotland as to the Service of Heirs': Provided also, that where such clauses and conditions are set forth in such instrument of sasine, or duly referred to in terms of this Act, or any other Act, the same shall not, without the vassal's consent, be repeated at length in such charter of confirmation.

vii. That where any charter of confirmation, whether granted by Her Majesty or her royal successors, or by the Prince of Scotland, or by a subject superior, shall confirm the lands therein contained themselves, and the instrument of sasine therein in favour of the person receiving such charter, such charter may be expressed in the form set forth in Schedule (D.) hereunto annexed, and in whatever *habile* form expressed shall be held to confirm in favour of such person, so far as regards such lands, the whole dispositions and instruments of sasine, and other deeds, instruments, and writings of and concerning the same necessary to be confirmed in order to complete such person's investiture in the lands as immediate vassal of such superior, and that although such deeds, instruments, and writings may not be enumerated or set forth in such charter.

And after reciting that the remedy afforded for obtaining an entry under the present procedure by declarator of tinsel of superiority is in many respects defective;—

It is Enacted,

VIII. That where the person having right to the superiority of any lands, which superiority is not defeasible at the will of the vassal or disponee, shall not have completed his feudal title thereto so as to enable him to enter any heir or disponee of the vassal land publicly infeft in the said lands, or any adjudger or other party deriving right from him, and where such heir, disponee, adjudger, or other party, if such person had been infeft in the superiority, would have been entitled to compel entry in virtue of this Act, or of an Act, 28 Geo. 2, or otherwise, it shall be competent to such heir, disponee, adjudger, or other party, provided the annual reddendo attached to such superiority shall not exceed 5*l.* sterling in value or amount, to present a petition to the Lord Ordinary on the Bills in the form, or as nearly as may be in the form, given in Schedule (E. No. 1.) hereunto annexed, praying for warrant of service on such person, and for decree in the terms set forth in such petition, and the Lord Ordinary on the Bills shall pronounce an order for service of such petition in terms, or as nearly as may be in terms, of the interlocutor given in Schedule (E. No. 2.) hereunto annexed; and if after such service, and the expiration of the days of intimation, such person shall not comply with the demand of the petition by completing his title and granting entry to the petitioner as aforesaid, or shall not shew reasonable cause to the Lord Ordinary why he delays or refuses so to do, he shall for himself and his heirs, whether of line, conquest, tailie, or provision, forfeit and amit all right to the said superiority, and the Lord Ordinary shall pronounce decree or judgment accordingly to the effect of entitling the petitioner, and his heirs and successors in the said lands in all time thereafter, to hold the same as vassals immediately of and under the next over-superior by the tenure and for the reddendo by and for which the forfeited superiority was held, all in the form, or as nearly as may be in the form, given in Schedule (E. No. 3.) hereunto annexed; and such decree or judgment, when extracted and recorded in the register of sasines appropriate to the lands, shall be held absolutely to extinguish such right of superiority, and shall enable the petitioner to apply to such over-superior, as his immediate superior, for an entry accordingly; and it is hereby provided, that in the renewed investiture to be so obtained by the petitioner under the authority of the said decree, the tenendas and reddendo contained in the title-deeds of the forfeited superiority shall be inserted in room of those contained in the investiture of the petitioner's predecessor or author, and the lands shall be held by the petitioner and his successors according to the tenure of the forfeited superiority in all time thereafter; and the charter or precept in the petitioner's favour shall be expressed as nearly as may be in one or other of the forms given in Schedule (I.) hereunto annexed.

IX. That if in the case aforesaid the annual reddendo shall exceed in value or amount the sum of 5*l.* sterling, or, in the option of the said heir, disponee, adjudger, or other party, whether the said annual reddendo shall exceed the said sum of 5*l.* sterling or not, it shall be lawful for such heir, disponee, adjudger, or other party to present a petition to the Lord Ordinary on the bills in the form, or as nearly as may be in the form, of Schedule (F. No. 1.) hereunto annexed, praying for warrant and decree as there set forth, and the Lord Ordinary shall pronounce an order for service in the terms or as nearly as may be in the terms of the interlocutor given in Schedule (F. No. 2.) hereunto annexed; and if after such service and expiration of the days of such charge such person shall not comply with the demand of the petition by completing his title and granting entry to such petitioner as aforesaid, or shall not shew reasonable cause to the Lord Ordinary why he delays or refuses so to do, he shall for himself and his heirs, whether of line, conquest, tailie, or provision, forfeit and amit all right to the dues and casualties payable on the entry of such petitioner, who shall also be entitled to retain his feu duties or other annual prestations until fully paid and indemnified for all the expenses of the petition and procedure thereon, and all the expenses of completing his title in terms of this Act; and the Lord Ordinary shall pronounce interim decree to that effect, and grant interim warrant for such petitioner applying for and obtaining an entry from the Crown or prince of Scotland, or, in the option of the petitioner, from the mediate over-superior as acting in the vice of such superior, all in the form, or as nearly as may be in the form, given in Schedule (F. No. 3.), hereunto annexed; and such petitioner shall be entitled forthwith to lodge, along with an extract of the said decree, in the office of the presenter of signatures, a draft of a proposed charter or precept from the Crown or prince as in vice of such superior, with a short note in terms of the Act passed in the present session of Parliament to alter and amend the practice in Scotland with regard to Crown charters and precepts from Chancery; and such charter or precept, for which the said extract decree shall be a sufficient warrant, may be in the form given in the Schedule (H.) hereunto annexed, and shall be as effectual as if granted by the mediate superior of the feu when duly infeft in the superiority; and when there is a mediate over-superior such extract decree shall, in the option of the petitioner, be directed against such mediate over-superior, and shall be a sufficient warrant for letters of homing to charge such over-superior to enter the petitioner by granting a valid charter or precept as in vice of such superior; and after completion of his title such petitioner shall be entitled, if he thinks fit, to lodge, as part of the proceedings under the said petition, an account of the expenses of that process, and of completing his title, and the Lord Ordinary shall, if required on the part of such petitioner, modify the amount thereof, and decern for retention as aforesaid, in the form given in Schedule (F. No. 4.), hereunto annexed.

X. That the lands and others contained in such charter or precept to be so obtained shall be holden of the Crown or prince, or the mediate over-superior, as in the vice of the unentered immediate superior, while and so long as he and his successors, the immediate superiors thereof, shall remain unentered, and thereafter until a new entry in favour of the vassal or his successors shall become requisite.

XI. That when a petition shall be presented as aforesaid praying for warrant of service and for decree against any person so having a right to the superiority of any lands, and not having completed his feudal title thereto, whether the annual reddendo shall be above or below the value or amount of 5*l.* sterling, it shall be competent for him at any time before expiration of the days of intimation, or before interim decree shall have been extracted as aforesaid, to lodge, as part of the proceedings under such petition, a minute, signed by himself or by his mandatory or agent, duly authorized by him in writing, stating that he tenders relinquishment of the right of superiority which he holds on appearance in favour of the petitioner and his heirs and successors, and such minute shall be in the form, or as nearly as may be in the form, given in Schedule (G.), No. 1, hereunto annexed; and if the petitioner shall by himself or his counsel or agent subscribe or indorse upon such minute an acceptance of the same in

the form given in Schedule (G.), No. 2., hereunto annexed, the Lord Ordinary is hereby authorized and required, on the petitioner's motion, to interpose his authority to such minute and acceptance, and to decern and declare the right of superiority thus relinquished to be extinguished, to the effect of making the petitioner and his successors in the said lands hold the lands as vassals immediately of and under the superior of the relinquished superiority in permanency and by the tenure and for the reddendo by and for which such relinquished superiority was held, the decree so to be pronounced to be in the form, or as nearly as may be in the form, of Schedule (G.), No. 3, hereunto annexed; and the said decree, when extracted and recorded in the register of sasines appropriate to the lands, shall entitle the petitioner and his forebears to apply for an entry to such superior accordingly as his immediate superior; and in the renewed investiture to be obtained by the petitioner under the authority of the said decree, the tenendas and reddendo contained in the title-deeds of the relinquished superiority shall be inserted in room of those contained in the investiture of the petitioner's predecessor or author, and the lands shall be held by himself and his successors according to the tenure of the relinquished superiority in all time thereafter; and the charter or precept, as the case may be, in the petitioner's favour may be expressed in one or other of the forms given in Schedule (I.) hereunto annexed; but nothing herein contained shall be held as rendering it imperative on the petitioner to accept of the offered relinquishment, and to take the place of his immediate superior, it being hereby provided, that if he prefers it he shall be entitled to refuse the same, and to complete his title by entry from the Crown or prince of Scotland, or the mediate over-superior, as in the vice of his immediate superior.

XII. That the investiture thus completed upon the forfeiture of such heir apparent, or upon the relinquishment of the superiority by such heir apparent, and acceptance by the petitioner, shall in all respects, and to all intents and purposes, be as effectual as if such apparent heir had completed his titles to the superiority, and thereafter conveyed the same to the petitioner and the latter, after completing his titles under the over-superior, had resigned *ad remanentiam* in his own hands: Provided always, that the title so completed shall not in any respect extend the interests of such over-superior, and that he shall be entitled to no more than the casualties, whether taxed or untaxed, to which he would have been entitled if such apparent heir had remained his vassal.

XIII. Provided and enacted, That in the case of such forfeiture or relinquishment of superiority by any apparent heir in manner above mentioned, the vassal obtaining or accepting the same, and making up titles under the over-superior, shall be liable, but subject always to retention of expenses as aforesaid, for the value of the said superiority to the said heir apparent, or any person in his right, or having interest, as accords of law; and such forfeiture or relinquishment by such heir apparent shall not infer a passive representation on his part, nor any liability for the debts of the person last infest therein, beyond the price, if any, which he may receive for such forfeiture or relinquishment; and the vassal, if he accepts thereof, shall not be accountable in any case for more than the value or price of the forfeited or relinquished right.

XIV. Provided and enacted, That such forfeiture, whether of the right itself of superiority, or of the dues and casualties payable on the entry of such petitioner, shall take effect, and such relinquishment shall be lawful and competent, although the superiority shall form part of an estate held under prohibitions against alienation, or under clauses prohibitory, irritant, and resolutive of entail; but such forfeiture, if incurred, or such relinquishment, if made, shall not be construed as nor be held or taken to imply any contravention of such prohibition against alienation, or of such clauses prohibitory, irritant, and resolutive of entail, anything contained in the deeds forming the investiture of such estate of superiority, or in the said recited Act of the Scottish Parliament, notwithstanding; and the price or value of such superiority, when relinquished, shall be applicable and applied in such and the like manner, and to such and the like purposes, as purchase-money or compensation coming to parties having limited interests is made applicable under the Lands Clauses Consolidation (Scotland) Act, 1845; and in the event of the petitioner holding his estate under entail, such price or value paid for the relinquished superiority shall be taken and held to be entailor's debt, and all remedies competent to the creditor for recovery of entailor's debt, and all remedies, powers, and faculties competent to an heir of entail in possession for payment of entailor's debt, whether at common law, by statute, or otherwise, shall be competent to such creditor and to such petitioner, and their heirs and representatives respectively.

And after reciting that by the law of Scotland as now existing a precept of *clare constat* from a subject superior to his vassal is held to lapse and become ineffectual if sasine is not passed thereon in the lifetime of the grantor, which is attended with inconvenience:—

It is Enacted,

XV. That all precepts of *clare constat* already made and granted, and still subsisting in force, and all precepts of *clare constat* to be made and granted hereafter, shall, notwithstanding the death of the grantor thereof, remain in full force and effect during the whole lifetime of the grantee, and shall continue effectual as a warrant for giving infestment to the grantee in terms thereof any time during the grantee's life.

XVI. That it shall no longer be competent to use letters of general charge or special charge or general special charge, but in an action of constitution of an ancestor's debt or obligation against his unentered heir the citation on and execution of the summons in such action shall be held to imply and be equivalent to a general charge, the *inducie* of which shall expire with the *inducie* of such summons, and shall infer the like certification with such general charge; and it shall thereafter be competent to adopt under such summons the same procedure, in all respects, and to pronounce the same decree, which would have been competent had such summons been preceded by letters of general charge duly executed against such heir according to the law and practice heretofore in use, which decree shall be a valid decree of constitution; and in an action of adjudication against such heir following on such decree of constitution, or in an action of adjudication against an unentered heir founded on his own debt or obligation, the citation on and execution of the summons of adjudication shall be held to imply and be equivalent to a special charge or general special charge, as the circumstances may require, the *inducie* of which charge shall expire with the *inducie* of such summons, and shall infer the like certification with such special charge or general special charge, as the case may be; and it shall thereafter be competent to adopt under such summons the same procedure in all respects, and to pronounce the same decree, which would have been competent had such summons been preceded by letters of special charge or general special

charge, as the case may be, duly executed against such heir according to the law and practice heretofore in use, which decree shall be a valid decree of adjudication; and in an action of constitution and adjudication combined in the same summons against an unentered heir, it shall be competent to adopt the same procedure in all respects, and to pronounce the same decree, which would have been competent had such summons been preceded by letters of general charge duly executed against such heir according to the law and practice heretofore in use; and in such combined action of constitution and adjudication it shall be competent to pronounce decree of constitution and adjudication in one and the same interlocutor, and to extract the same in one and the same extract, which decree shall be a valid decree of constitution and adjudication; anything in an Act of the Parliament of Scotland passed in the year 1540, and in another Act of the Parliament of Scotland passed in the year 1621, or in any other Act of Parliament, or any law or practice, to the contrary notwithstanding, the said Acts being hereby repealed to the extent of making these enactments operative, but no further.

XVII. That it shall no longer be necessary that a summons of adjudication or of ranking and sale be preceded by a bill, such bill being hereby abolished.

And after reciting that it has been found inconvenient in practice to libel and conclude for general adjudication of lands as the alternative only of special adjudication in terms of an Act of the Parliament of Scotland passed in the year 1672:—

It is Enacted,

XVIII. That it shall no longer be necessary to libel or conclude for special adjudication, and it shall be lawful to libel and conclude and decern for general adjudication without such alternative, anything in the said last-mentioned Act or in any other Act of Parliament to the contrary notwithstanding, the said last-mentioned Act and such other Acts being hereby repealed to the effect of making this enactment operative, but no further.

And after reciting that a party who has obtained decree of adjudication or decree of sale is frequently exposed to inconvenience from the delay which may occur in obtaining infestment:—

It is Enacted,

XIX. That in all cases it shall be lawful for the Judges of the Court of Session, when pronouncing decree of adjudication whether for debt or in implement, or decree of sale, to grant warrant in terms, or as nearly as may be in terms, of Schedule (K.) hereunto annexed, for infesting the adjudger or purchaser, and his heirs and successors, in the lands and others contained in such decree, to be holden by them alternatively by two several infestments and manners of holding, one thereof to be holden of the party adjudged from and his heirs in free blench for payment of 1*d.* Scots in name of blench farm at Whitsunday yearly upon the ground of the said lands, if asked only, and freeing and relieving the party adjudged from and his heirs of all feu duties and services exigible out of the said lands by their immediate lawful superiors thereof, and the other of the said infestments to be holden from the party adjudged from and his heirs of and under their immediate lawful superiors in the same manner that the party adjudged from, his predecessors and authors, held or might have holden the same, and that by confirmation; and the adjudger or purchaser, and his foreshaids, shall, in virtue of such decree of adjudication or decree of sale, be entitled to complete their title by obtaining charter of adjudication or of sale from the superior of the lands and passing infestment thereon, or, where the person adjudged from is entered with his superior or in a situation to charge such superior under the powers herein contained to grant entry by confirmation, by taking infestment in virtue of the warrant contained in such decree, which infestment may be in the form given in Schedule (L.) hereunto annexed, and shall with the decree of adjudication or of sale be an effectual feudal investiture in the said lands in terms of such decree, holding base of the party adjudged from and his heirs, until confirmation thereof shall be granted by the immediate superior of the lands, or his successors, in the same manner and to the same effect as if the party adjudged from had granted a disposition of the lands to the adjudger or purchaser in the terms of the decree of adjudication or of sale, with an obligation to infest *a me vel de me*, to be completed by confirmation, and a precept of sasine, and the adjudger or purchaser had been infest on such precept; and the effect of the charter of confirmation of the sasine thus proceeding on such decree of adjudication or decree of sale shall be to make the lands hold immediately of and under such superior; but the right of the superior to the composition payable by an adjudger or purchaser, as due under the existing law is hereby reserved entire, and the adjudger or purchaser, or his foreshaids, by passing infestment on the decree of adjudication or of sale in manner above mentioned, shall become indebted in such composition to the superior, and shall be bound to pay the same upon the superior's tendering a charter of confirmation, whether such charter shall be accepted or not, and the superior shall be entitled to recover payment of such composition as accords of law; and it is hereby provided that the sasine on such decree of adjudication, duly recorded, shall, without prejudice to any other diligence or procedure, be of itself sufficient to make the adjudication effectual in all questions of bankruptcy or diligence: Provided always, that where the charter, contract, or other deed by which the vassal's right is constituted contains a prohibition against subinfeudation or alternative holding, such decree and sasine shall, notwithstanding any such prohibition form a valid feudal investiture in favour of such adjudger or purchaser and their foreshaids, but without prejudice to the right of the superior to require such adjudger or purchaser, or his foreshaids, to enter forthwith as accords of law, and to deal with such adjudger or purchaser or his foreshaids, as with a vassal unentered.

XX. That any judgment pronounced by the Lord Ordinary in virtue of this Act shall be subject to a review by a reclaiming note in ordinary form; but the judgment of the Lord Ordinary, if not so brought under review, and the judgment of either division of the Court upon such reclaiming note, whether such judgments shall have been pronounced in absence of the respondent or not, shall be final and conclusive, and not subject to review by appeal to the House of Lords, or by reduction, or in any other mode or form whatever; and it shall be competent to the Lord Ordinary, or to either division of the Court reviewing any judgment of the Lord Ordinary, if it shall appear to him or them to be just in the whole circumstances of the case, to find and decern in ordinary form for the expenses of any proceedings under this Act against the petitioner or respondent personally.

XXI. That it shall be lawful to the Court of Session to pass such act or acts of sederunt as the Court may deem proper for carrying into effect the purposes of this Act.

XXII. That in construing this Act, except where the nature of the provisions or the context of this Act shall be repugnant to

such construction, the words "superior," "vassal," "granter," "grantee," "disponer," "and" "disponsee," shall extend to and include the heirs, successors, and representatives of such superior, vassal, granter, grantee, disponent, or disponsee respectively; and the word "lands" shall extend to and include teinda, fishings, houses, lands, tenements, and heritages of every description; and the word "charter" shall include charters from the Crown and prince as well as from subject superiors; and all words used in the singular number shall be held to include several persons or things; and words in the plural shall include the singular number; and all words importing the masculine gender shall extend and be applied to females as well as males.

XXIII. That this Act shall take effect from and after the 30th of September 1847.

XXIV. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

After the inductive and dispositive Clauses the Deed may proceed thus:—"With Entry at the Term of [here specify the Date of Entry]; and I oblige myself to infest the said [here insert the Name of the Disponsee] and his foreaids, to be holden a me [or de me, or a me vel de me, as the Case may be]; and I resign the said Lands and others for new Infestment; and I assign the Writs, and have delivered the same according to Inventory; and I assign the Rents; and I bind myself to free and relieve the said [here insert the Name of the Disponsee] and his foreaids of all Feu Duties, Casualties, and public Burdens; and I grant Warrandice; and I consent to Registration hereof for Preservation [or for Preservation and Execution]. Moreover I desire any Notary Public to whom these Presents may be presented to give to the said [here insert the Name of the Disponsee] or his foreaids sasine [or Liferent Sasine, or Sasine in Liferent and Fee respectively, as the Case may be,] of the Lands and others above disposed. In witness whereof [here insert a Testing Clause in the usual Form]."

Note.—The Clauses are assumed here as occurring in a Disposition, but they may be used in other Deeds and Instruments; and in the event of its being necessary to omit, vary, or qualify any one or more of them, this may be done and the other Clauses may be retained.

SCHEDULE (B.)

Instead of inserting the Conditions of Entail at Length, these may be referred to as follows; viz.—But always with and under the Conditions, Provisions, Reservations, and Clauses prohibitory, irritant, and resolute, specified and contained in a Disposition and Deed of Entail [or in the said Disposition and Deed of Entail, if it has been previously referred to,] of the said Lands and others, executed by the deceased E.F., bearing Date the _____ Day of _____ in the Year _____ and recorded in the Register of Tailzies on the _____ Day of _____ in the Year _____ [or in an Instrument of Sasine in the said Lands and others in favour of G. H., recorded in the [here mention the Register in which the Sasine is recorded] upon the _____ Day of _____ in the Year _____]

And in subsequent Clauses of the Deed in which it is requisite or usual to refer again to the Conditions of the Entail the Reference may be made thus:—"But always with and under the Conditions, Provisions, Reservations, and Clauses prohibitory, irritant, and resolute, before referred to."

SCHEDULE (C.)

Instead of inserting the Burdens, &c. at Length, these may be referred to as follows; viz.—"But always with and under the Burdens, Conditions, Provisions, Restrictions, Limitations, and Obligations [or such of these as may apply to the Case] specified in an Instrument of Sasine in the said Lands and others [here describe the Sasine in which the Burdens, &c. were first inserted, or any subsequent Sasine in which they are inserted, forming Part of the Progress of the Titles to the Lands, the Sasine being described by the Name of the Party in whose Favour it was passed, the Register in which it is recorded, and the Date of Registration; or, if it is previously referred to in the Disposition, say, in the said Instrument of Sasine in favour of the said _____ above referred to,] or if they are inserted in an Instrument of Resignation ad remanentiam, make a similar Reference to such Instrument.

And in subsequent Clauses in which it is requisite or usual to refer again to the Burdens, &c., the Reference may be made thus:—"But always with and under the Burdens, Conditions, Provisions, Restrictions, Limitations, and Obligations [or such of these as may apply to the Case] before referred to."

SCHEDULE (D.)

I A.B., immediate lawful Superior of the Lands and others after mentioned, do hereby confirm for ever to and in favour of C.D. [here name the Party in whose Favour the Charter is granted], and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [here insert the Lands or other Heritages to be confirmed; and if under Burdens, &c., use the Form in Schedule (C.)], and an Instrument of Sasine in the said Lands, and others in favour of the said C.D., recorded in the [here describe the Register in which the Instrument is recorded] on the _____ Day of _____ or of whatever other Date or Tenor the said Instrument of Sasine may be, to be holden, the said Lands and others, immediately of me and my Successors, Superiors thereof, in Free Blench [or, in Feu Farm, as the Case may be,] for ever, paying therefor a Penny Scots yearly of Blench Duty, if asked only, [or if held in Feu Farm specify the other Payments and Services.] And I consent to the Registration hereof. In witness whereof [here insert the Testing Clause in the usual Form].

SCHEDULE (E.)

No. 1.

Unto the Honourable the Lord Ordinary on the Bills, the Petition of *A.B.* humbly sheweth, That by Disposition dated the _____ granted by *C.D.* of _____ the said *C.D.* disposed to the Petitioner all and whole [*here describe the Subjects as in the Disposition*], to be held of the Disposer's Superior, with Warrants of Resignation and Sasine.

That the Petitioner's Author, the said *C.D.*, held the said Lands and others of and under the late *E.F.* as his immediate lawful Superior for an annual Reddendo not exceeding in Value or Amount Five Pounds Sterling; that *G.H.* is the eldest Son [*or whatever other Relation he is*] and apparent Heir of the said *E.F.*, and as such has Right to the Superiority of the said Lands and others, but he has not made up a feudal Title thereto, and is therefore not in a Situation to grant Entry to the Petitioner, although demanded from him; and the Petitioner now applies to your Lordship for Redress in Terms of the Act [*here mention this Act*], and produce the above-mentioned Disposition in his Favour.

May it therefore please your Lordship, in Terms of the said Act, to grant Warrant for serving this Petition on the said *G.H.* personally, or at his Dwelling Place, [*here add a Prayer for edictal Citation in the usual Form, if the Party is furth of Scotland,*] and to ordain him within Thirty Days after the Date of such Service [*or within Sixty Days, if he be furth of Scotland, or in Orkney or Shetland,*] to procure himself entered and infeft in the said Lands and others, and to enter the Petitioner in the same, on Payment of the Duties and Casualties exigible on such Entry, or else to shew Cause for delaying or refusing to do so, with Certification that, if he fail, he shall forfeit and amit all Right to the said Superiority; and in the event of the said *G.H.* failing so to complete his Title and grant Entry to the Petitioner, or to shew reasonable Cause why he delays or refuses so to do, to find and declare that the said *G.H.* has forfeited and amitted all Right to the said Superiority, and that the Petitioner and his Heirs and Successors are entitled to hold the said Lands and others in all Time coming as Vassals immediately of and under the next Over-superior by the Tenure and for the Reddendo by and for which the forfeited Superiority was held. According to Justice, &c.

Note.—The above Form is applicable to the Case where the Petitioner requires a Charter of Resignation. In other Cases the Form must be varied, so far as necessary, to suit the Circumstances.

No. 2.

The Lord Ordinary grants Warrant to Messengers-at-Arms to serve the said Petition and this Deliverance on the said *G.H.* as prayed for, and ordains the said *G.H.*, within Thirty Days, [*or Sixty Days, as the Case may be,*] after the Date of such Service, to procure himself entered and infeft in the Lands and others described in the Petition, and to enter the Petitioner in the same on Payment of the Duties and Casualties exigible on such Entry, or else to shew Cause for delaying or refusing to do so, with Certification that if he fail he shall forfeit and amit all right to the said Superiority in Terms of the said Act.

No. 3.

The Lord Ordinary having resumed Consideration of the said Petition, with the Execution thereon, now expired, in respect the said *G.H.* has not shewn Cause for delaying or refusing to complete his Title to the Superiority, and to grant an Entry to the Petitioner, finds and declares, That the *G.H.* has forfeited and amitted all Right to the said Superiority, and that the Petitioner and his Heirs and Successors are entitled to hold the Lands and others described in the Petition in all Time coming as Vassals immediately of and under the next Over-superior by the Tenure and for the Reddendo by and for which the said forfeited Superiority was held; grants Warrant to the Petitioner and his foressaids to apply for and obtain an Entry in the said Lands and others from the said Over-superior, in the Terms foressaid; and decerns and ordains the Decree to be extracted hereon to be recorded in the Register of Sasines.

SCHEDULE (F.)

No. 1.

Unto the Honourable the Lord Ordinary on the Bills, the Petition of *A.B.* humbly sheweth, That by Disposition dated the _____ granted by *C.D.* of _____ the said *C.D.* disposed to the Petitioner all and whole [*here describe the Subjects as in the Disposition*], to be held of the Disposer's Superior, with Warrants of Resignation and Sasine.

That the Petitioner's Author, the said *C.D.*, held the said Lands and others of and under the late *E.F.* as his immediate lawful Superior; that *G.H.* is the eldest Son [*or whatever other Relation he is*] and apparent Heir of the said *E.F.*, and as such has Right to the Superiority of the said Lands and others, but he has not made up a feudal Title thereto, and is therefore not in a Situation to grant Entry to the Petitioner, although demanded from him. The Petitioner now applies to your Lordship for Redress in terms of the Act [*here mention this Act*] and produces the above mentioned Disposition in his Favour.

May it therefore please your Lordship, in Terms of the said Act, to grant Warrant for serving this Petition on the said *G.H.* personally, or at his Dwelling Place, [*here add a Prayer for edictal Citation in the usual Form, if the party is furth of Scotland,*] and to ordain him within Thirty Days after the Date of such Service [*or within Sixty Days, if he be furth of Scotland, or in Orkney or Shetland,*] to procure himself entered and infeft in the said Lands and others, and to enter the Petitioner in the same, on payment of the Duties and Casualties exigible on such Entry, or else to shew Cause for delaying or refusing to do so, with Certification that if he fail he shall forfeit and amit all Right to the Duties and Casualties payable on the Entry of the Petitioner, and that the Petitioner shall be entitled to retain from him and his Successors, as immediate

Superiors, the yearly Feu Duties and whole other Prestations, until fully paid and indemnified for all the Expenses of this Petition and Procedure to follow hereon, and for all the Expenses of completing the Petitioner's Title in Terms of the said Act; and thereafter, on resuming Consideration of this Petition, with or without Answers, to find and declare that the said *G.H.* has forfeited and amitted all Right to the Dues and Casualties payable on the Entry of the Petitioner, and that the Petitioner is entitled to retain from him and his Successors, as immediate Superiors, the yearly Feu Duties and whole other Prestations until fully paid and indemnified for all the Expenses of this Petition, and of the Procedure to follow hereon, and for all the Expenses of completing the Petitioner's Title in Terms of the said Act; and also to grant Warrant to the Petitioner to apply for and obtain an Entry in the said Lands and others from the Crown or Prince of Scotland, [or *I.K.*, the mediate Over-superior,] as acting in the Vice of the said *G.H.*, and to authorize Decree to the above Effect to be extracted *ad interim*; and thereafter, upon the Completion of the Petitioner's Title by an Entry from the Crown or Prince of Scotland [or such mediate Over-superior] as aforesaid, to remit the Accounts of the Expenses of this Petition and Procedure hereon, and of the Expenses of completing the Petitioner's Title, to the Auditor to tax the same, and to report, and to modify the Amount of the said Expenses, and to decern for Retention of the Amount thereof as aforesaid [if the Parties have agreed to or are in Treaty for a Relinquishment add "or in the event of the said *G.H.* relinquishing the superiority to find, decern, and declare the same to be extinguished in Manner and to the Effect expressed in the Statute,"] or to do otherwise in the Premises as to your Lordship shall seem just.—According to Justice, &c.

Note.—The above Form is applicable to the Case where the Petitioner requires a Charter of Resignation. In other Cases the Form must be varied, so far as necessary, to suit the Circumstances.

No. 2.

The Lord Ordinary grants Warrants to Messenger-at-Arms to serve the said Petition and this Deliverance on the said *G.H.*, as prayed for, and ordains the said *G.H.*, within Thirty Days [or Sixty Days, as the Case may be,] after the Date of such Service, to procure himself entered and infest in the Lands, and others described in the Petition, and to enter the Petitioner in the same, on Payment of the Duties and Casualties exigible on such Entry, or else to shew Cause for delaying or refusing to do so, with Certification that if he fail he shall forfeit and amit all Right to the Duties and Casualties payable on the Petitioner's Entry, and this the Petitioner shall be entitled to retain from him and his Successors, as immediate Superiors, the yearly Feu Duties and whole other Prestations until fully paid and indemnified for the Expenses of the Petition and Procedure thereon, and for all the Expenses of completing the Petitioner's Title in terms of the said Act.

No. 3.

The Lord Ordinary having resumed Consideration of the said Petition, with the Execution thereon, now expired, in respect the said *G.H.* has not shown Cause for delaying or refusing to complete his Title to the Superiority, and to grant an Entry to the Petitioner, finds and declares, that the said *G.H.* has forfeited and amitted all Right to the Duties and Casualties payable on the Entry of the Petitioner, and that the Petitioner is entitled to retain from him and his Successors, as immediate Superiors, the yearly Feu Duties and whole other Prestations until fully paid and indemnified for all the Expenses of the said Petition and Procedure thereon, and for all the Expenses of completing the Petitioner's Title; grants Warrant to the Petitioner to apply for and obtain an Entry in the Lands and others described in the Petition from the Crown or Prince of Scotland [or *I.K.*, the mediate Over-superior,] as acting in Vice of the said *G.H.*, and decerns, and allows this Decree to go out and be extracted *ad interim*; and, on the Petitioner's Title being completed, appoints Accounts of the Expenses of the Petition and Procedure thereon, and of completing the Title, to be lodged, and remits the same, when lodged, to the Auditor to tax and report.

No. 4.

The Lord Ordinary approves of the Auditor's Report on the Petitioner's Accounts of Expenses, modifies the same to £ Sterling, and decerns against the said *G.H.* for Payment thereof to the Petitioner, by Retention, as prayed for [or personally against the said *G.H.*, as the Case may be].

SCHEDULE (G.)

No. 1.

Minute of Relinquishment by _____ as Heir Apparent of _____ in the Lands after mentioned in the Petition at the instance of [here name and describe the Petitioner].

I *A.B.*, eldest lawful Son [or whatever Relation he may be] and nearest lawful Heir Apparent of *C.D.*, the Person last infest in the Superiority of the Lands of [here describe the Lands fully] which Right of Superiority is holden immediately of and under the Crown [or other Over-lord, as the Case may be], do absolutely and gratuitously [or if any Price paid, say "in consideration of _____ Sterling to be paid to me,"] relinquish and renounce the Superiority of the said Lands to which I hold Right as Heir Apparent aforesaid in favour of the Petitioner and his Successors in the said Lands. In witness whereof, &c. [To be signed by the Party or by his Mandatory or Agent duly authorized in Writing and duly attested.]

No. 2.

I accept Relinquishment in Terms of this Minute.

No. 3.

The Lord Ordinary interpones his Authority to the Minute of Relinquishment lodged by the Respondent, and decerns and declares the Right of Superiority thereby relinquished to be extinguished, to the Effect of giving Right to the Petitioner and his Successors to hold the Lands and others described in the Petition immediately of and under the Party who is Superior of the Feu now given up and extinguished, and by the Tenure and for the Reddendo by and for which the relinquished Feu was held and decerns and appoints the Decree to be extracted hereon to be recorded in the Register of Sasines.

SCHEDULE (H.)

No. 1.—*Charter of Confirmation.*

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.—We do hereby confirm for ever to and in favour of *A.B.* [*here name the Dispones*], and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [*here describe the Lands or other Heritages, and if under Burdens, &c. use the Form in Schedule (C.)*], and an Instrument of Sasine in the said Lands and others in favour of the said *A.B.* recorded in the [*here describe the Register in which the Instrument is recorded*], on the _____ Day of _____ or of whatever other Date or Tenure the said Instrument of Sasine may be; To be holden, the said Lands and others, of the Crown, as in room of *G.H.* [*here name the Person against whom Decree has been obtained*], the eldest Son [*or whatever other Relation he may be*] of *E.F.* [*here name the Person last infeft in the Superiority*], who was last infeft in the immediate Superiority of the said Lands, in respect that the said *G.H.* having failed to complete his Title to the said Superiority, and to grant an Entry to the said *A.B.*, the said *A.B.*, in virtue of an Act [*here set forth the Title of this Act*], obtained a Decree by the Lord Ordinary on the Bills, dated the _____ granting Warrant to the said *A.B.* to apply for and obtain an Entry in the said Lands and others from the Crown, as acting in Vice of the said *G.H.*, and that while and so long as the said *G.H.* and his Successors, the immediate Superiors thereof, shall remain unentered, and thereafter until a new Entry shall become requisite, and that by the same Tenure by which the same were or might have been holden of the said *G.H.* And for Payment to him and his Successors, who are properly immediate lawful Superiors of the said Lands and others, of the annual Duties and Casualties heretofore payable, but only upon the Completion of their Title in the Superiority. In witness whereof we have ordered the Seal now used for the Great Seal of Scotland to be appended hereto, &c. [*according to the Chancery Form.*]

No. 2.—*Charter of Resignation.*

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.—We do hereby give, grant, and dispose, and for ever confirm to *A.B.* [*here name the Dispones*], and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [*here insert the Lands or other Heritages, and if under Burdens, &c. use the Form in Schedule (C.)*], which Lands and others formerly belonged to *C.D.* [*here name the Disposer*], holden by him immediately of *E.F.* [*here name the Person who died last infeft in the Superiority*], in Terms of [*here state the Investiture of the Disposer*], and now of the Crown as in Vice of the immediate Superior thereof, and in respect that the said *E.F.* being dead, and *G.H.* his eldest Son [*or whatever other Relation he may be*] and Heir Apparent, who is in right of the Superiority, having failed to complete his Title thereto and to grant an Entry to the said *A.B.*, the said *A.B.* in virtue of an Act [*here set forth the Title of this Act*], obtained a Decree by the Lord Ordinary on the Bills dated the _____ granting Warrant to the said *A.B.* to apply for and obtain an Entry in the said Lands and others from the Crown, as acting in Vice of the said *G.H.*, and which Lands and others have been resigned into our Hands as in Vice of the said *G.H.*, which Decree is recorded in the [*state here the Register of Sasines in which the Decree is recorded, and the Date of Registration*], by virtue of a Procuratory of Resignation contained in a Disposition of the said Lands and others granted by him in favour of the said *A.B.*, dated the _____ To be holden, the said Lands and others, of the Crown as in room of the said *G.H.*, who is properly the immediate lawful Superior thereof, while and so long as he and his Successors the immediate Superiors thereof shall remain unentered, and thereafter until a new Entry shall become requisite, and that by the same Tenure by which the same were or might have been holden of the said *G.H.* And for payment to him and his Successors, who are properly the immediate lawful Superiors of the said Lands and others, of the annual Duties and Casualties heretofore payable, but only upon the Completion of their Title in the Superiority; moreover we desire any Notary Public to whom this Charter may be presented, to give to the said *A.B.* or his forebears Sasine of the Lands and others above described. In witness whereof we have ordered the Seal now used for the Great Seal of Scotland to be appended hereto, &c. [*according to the Chancery Form.*]

Note.—The Charter in favour of an Adjudger will be in similar Terms, but under the proper Modification. And a precept from Chancery in favour of the Vassal's Heir, who has obtained Decree against the unentered Heir Apparent of his Superior, will be in similar Terms as applied to the Style of a Precept. And if the Charter or Precept is by the mediate Over-Superior, the necessary Alterations will be made.

SCHEDULE (I.)

No. 1.—Charter of Confirmation proceeding on a Decree of Forfeiture or Relinquishment.

I *L.M.*, immediate lawful Superior of the Lands and others after mentioned, in virtue of a Decree of Forfeiture [or Relinquishment, as the Case may be,] against *G.H.*, Heir Apparent of my immediate Vassal last infest in the said Lands and others, pronounced by Lord Ordinary on the Bills, upon the Day of in a Petition at the Instance of *A.B.* [here name the Disponee], do hereby confirm for ever to and in favour of the said *A.B.* and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [here insert the Lands or other Heritages, and if under Burdens, &c. use the Form in Schedule (C.)], and an Instrument of Sasine in the said Lands and others in favour of the said *A.B.* recorded in the [here describe the Register in which the Instrument is recorded], on the Day of or of whatever other Tenour the same may be; To be holden, the said Lands and others by the said *A.B.* and his foresaids in all Time hereafter, immediately of me and my Successors, as Superiors thereof, in Free Blench Farm or [in Feu Farm as the Case may be, according to the Tenure by which the forfeited or relinquished Superiority was held,] for ever, Paying therefor [here specify the Raddendo for which the forfeited or relinquished Superiority was held]; and I consent to the Registration hereof for Preservation. In witness whereof [add a testing Clause].

No. 2.—Charter of Resignation proceeding on a Decree of Forfeiture or Relinquishment.

I *L.M.*, immediate lawful Superior of the Lands and others after mentioned, in virtue of a Decree of Forfeiture [or Relinquishment, as the Case may be,] against *G.H.* Heir Apparent of my immediate Vassal last infest in the said Lands and others, pronounced by Lord Ordinary on the Bills, upon the Day of in a Petition at the instance of *A.B.* [here name the Disponee], do hereby give, grant, dispoise, and for ever convey to the said *A.B.* and his Heirs and Assignees whomsoever, heritably and irredeemably, all and whole [here insert the Lands or other Heritages, and if disposed under Burdens, &c. use the Form in Schedule (C.)], which Lands and others above written formerly belonged to [here insert the name of the Disposer], holden by him under my immediate Vassal, and now of myself, in Terms of [here state briefly the Investiture of the last-entered Proprietor], and have been resigned by him in my Hands, as now coming in place of his immediate Superior by virtue of a Procuratory of Resignation contained in a Disposition of the said Lands and others, made and granted by him in favour of the said *A.B.*, dated [here insert the Date], to be holden, the said Lands and others, by the said *A.B.* and his foresaids, in all Time hereafter, immediately of me and my Successors, as Superiors thereof, in Free Blench Farm [or in Feu Farm, as the Case may be, according to the Tenure by which the forfeited or relinquished Superiority was held,] for ever, paying therefor, [here specify the Raddendo for which the forfeited or relinquished Superiority was held]; and I consent to the Registration hereof for Preservation; moreover I desire any Notary Public to whom this Charter may be presented to give to the said *A.B.*, or his foresaids, Sasine of the Lands and others above described. In witness whereof [add a testing clause].

No. 3.—Precept of Clare Constat proceeding on a Decree of Forfeiture or Relinquishment.

I *L.M.*, immediate lawful Superior of the Lands and others after mentioned, in virtue of a Decree of Forfeiture [or Relinquishment, as the Case may be,] against *G.H.*, Heir Apparent of my immediate Vassal last infest in the said Lands and others, pronounced by Lord Ordinary on the Bills, dated the Day of in a Petition at the Instance of *A.B.* [here name and design the Heir in whose Favour the Precept is to be granted]: Whereas by authentic Instruments and Documents it clearly appears that *C.D.* [here insert the Name of the last Proprietor of the Lands] died last vest and seized as of Fee in [here insert the Lands or other Heritages, and if under Burdens, &c. use the Form in Schedule (C.)]: and that the said *A.B.* is eldest lawful son [or whatever Relation he may be] and nearest and lawful Heir [of Line or whatever the Character may be,] of the said *C.D.* in the said Lands and others; and that the said Lands and others are in virtue of the said Decree now holden of me and my Successors, as Superiors thereof, in Free Blench Farm [or Feu Farm, as the Case may be, according to the Tenure by which the forfeited or relinquished Superiority was held,] for ever, for Payment of [here specify the Raddendo for which the forfeited or relinquished Superiority was held]. Therefore I desire any Notary Public to whom these Presents may be presented to give to the said *C.D.* as Heir foresaid Sasine of the Lands and others above described. In witness whereof [add a testing Clause].

Notes.—Where the Next Superior is Her Majesty, or the Prince and Steward of Scotland, Charters by the Crown Prince, or Precepts from Chancery will be granted on similar Terms to the above, but adapted to the Forms of Chancery.

SCHEDULE (K.)

After granting Decrees of Adjudication according to the Form presently in use, or according to the Form in use for the Time, the following Warrant to be inserted:—"And the Lord Ordinary grants Warrant to any Notary Public to give to the said [here mention the Name of the Adjudger or Purchaser], and his Heirs and Successors, Sasine, in the foresaid Subjects, in Terms of the 19th Section of the Act [here mention this Act]."

SCHEDULE (L.)

At there was [by or] on behalf of *A.B.* [here state the Name and Designation of the Adjudger or Purchaser, or other Party in his Right,] presented to me, Notary Public subscribing, an Extract Decree of Adjudication [or "of Adjudication in Implement or of Sale," as the Case may be,] dated the [here insert the Date of the Decree], obtained before the Lords of Council and Session in an Action at the Instance of [here mention the Party at whose Instance the Decree was obtained] against *C.D.* [here state the Name and Designation of the Party adjudged from], whereby the said Lords adjudged from the said *C.D.*, and all others having or pretending to have Right thereto, all and whole [here describe the Lands at Length, and if adjudged under Burdens, &c. use the Form in Schedule (C.)], then recite the rest of the Decree of Adjudication or Sale down to the Close of the Warrant to the Notary for giving Infestment, and if the Infestment is to be taken by the Heir or Assignee of the Adjudger or Purchaser, or by any other Person acquiring Right through him, recite here the Decree of Service or the Assignment or other Writ by which the Party has acquired such Right; by virtue of which Warrant of Infestment I hereby give Sasine to the said *A.B.* of the Lands and others above described. In witness whereof I have subscribed these Presents, written on this and the preceding Pages by *E.F.* my Clerk, before these Witnesses the said *E.F.* and *G.H.* my Apprentice.

E.F. Witness.
G.H. Witness.

(Signed) *I.K.* Notary Public.

CAP. XLIX.

AN ACT to facilitate the Transference of Lands and other Heritages in Scotland held in Burgage Tenure.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. In conveyances of burgage property certain clauses may be inserted in the forms given in Schedule (A.)
2. Explanation of the import of clauses in Schedule (A.)
3. Conditions of entail may be referred to as already in the register of entails or register of sasines.
4. Real burdens may be referred to as already in the register of sasines.
5. The form in certain cases of sasines in lands holden in burgage to be as in Schedule (D.)
6. Instruments of resignation and sasine to be recorded.
7. Instruments of resignation or sasine may be recorded during life of the party in whose favour such instruments have been expedited.
8. General and special and general special charges to be no longer competent to be used.
9. Bill for summonses of adjudication, &c. dispensed with.
10. Unnecessary to libel and conclude for decree of special adjudication.
11. Court of Session may make acts of sederunt.
12. Interpretation of Act.
13. Act to take effect on 30th September 1847.
14. Act may be amended, &c.

By this Act,

After reciting that it is expedient to facilitate the transference of lands and other heritages in Scotland held by the tenure of burgage, and to render the same less expensive, and for that purpose to amend the law of Scotland, relative thereto :—

It is Enacted,

1. That in all dispositions and conveyances, and other deeds and instruments necessary for the transmission of lands in Scotland held by the tenure of burgage, in which all or any of the following clauses are necessarily or usually inserted, (*videlicet*,) a clause declaring the term of entry, a clause of obligation to infest, a procuratory of resignation, a clause of obligation to free and relieve of cess, annuity, ground annual, and other public, parochial, and local burdens, a clause of assignation of rents, a clause of assignation of writs and evidents, a clause of warrandice, and a clause of registration for preservation and execution, it shall be lawful and competent to insert all or any of such clauses in the form or as nearly as may be in the form set forth in Schedule (A.) hereunto annexed; and all or any of such clauses, if so inserted in any such disposition or conveyance, or other deed or instrument, shall be as valid, effectual, and operative, to all intents and purposes, as if they had been expressed in the fuller mode or form now generally in use.

11. That the clause of obligation to infest expressed as in the Schedule (A.) hereunto annexed shall be held to imply an obligation on the disponent to infest the dispositive, and his heirs and assignees, in the lands or other heritages conveyed upon their expenses, and that by resignation, to be holden of Her Majesty in free burgage for service of burgh use and wont; and the clause of resignation shall in all respects be held and taken as equivalent to a procuratory of resignation in the terms now in use in regard to heritable property held burgage; and the clause of obligation to free and relieve from cess, annuity, ground annual, and other public and parochial burdens shall, unless specially qualified, be held to import an obligation to relieve of all cess, annuity, ground annual, and other public, parochial and local burdens exigible from or on account of the subjects conveyed prior to the date of entry; and the clause of assignation of rents, unless specially qualified, shall be held to import an assignation to the rents to become due for the possession following the term of entry, according to the legal and not the conventional terms unless in the case of forehead rents, in which case it shall import an assignation to the rents payable at the conventional term

subsequent to the date of entry; and the clause of assignation to writs and evidents shall import an absolute and unconditional assignation to such writs and evidents, and to all open procuratories therein contained to which the disponent has right, unless specially qualified; and the clause of warrandice shall, unless specially qualified, be held and taken to imply absolute warrandice as regards the lands and writs and evidents, and warrandice from fact and deed as regards the rents; and the clause of consent to registration, unless specially qualified, shall import a consent to registration, and a procuratory for registration in the books of council and session or other Judge's books competent, therein to remain for preservation, and if for execution, that letters of horning and all other necessary execution shall pass thereon upon a charge of six days upon a decree to be interposed thereto.

III. That in all cases where lands holden burgage are or shall hereafter be held under a deed of entail, it shall be lawful and competent, in dispositions and conveyances of such lands, and in decrees of adjudication, instruments of resignation and sasine, and instruments of cognition and sasine, and all other deeds and instruments of what nature soever necessary to transmit, renew, or complete a title under such entail in such lands, to omit the full insertion of the conditions and provisions, and prohibitory, irritant, and resolutive clauses of such deed of entail, provided such conditions and provisions, and prohibitory, irritant, and resolutive clauses, shall be in such dispositions and conveyances, decrees of adjudication, instruments of resignation and sasine, and instruments of cognition and sasine, and other deeds and instruments aforesaid, specially referred to as set forth at full length in the recorded deed of entail, if the same shall have been recorded in the register of tailzies, or if the same shall not have been recorded in such register, then as set forth at full length in any recorded instrument of resignation and sasine, or of cognition and sasine, forming a part of the progress of title deeds of the said lands under the said entail, such reference being made in the terms, or as nearly as may be in the terms, set forth in Schedule (B.) hereunto annexed; and the reference thus made to such conditions and provisions, and prohibitory, irritant, and resolutive clauses, shall be held as equivalent to the full insertion thereof, and shall to all intents and in all questions whatsoever, whether *inter hæredes* or with third parties, have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded deed or instrument referred to, notwithstanding any law or practice to the contrary, or any injunction to the contrary contained in such deed of entail, and notwithstanding the enactments or provisions to the contrary contained in an Act of the Parliament of Scotland made in the year 1685, intituled 'Act concerning Tailzies,' or any other Acts of Parliament now in force, all which are hereby repealed to the extent of making this enactment operative, but no further.

IV. That in all cases where lands holden burgage are or shall hereafter be held under any real burdens or conditions or limitations whatsoever appointed to be fully inserted in the investitures of such lands, it shall, notwithstanding such appointment, and notwithstanding any law or practice to the contrary now existing, be lawful and competent in dispositions and conveyances of such lands, decrees of adjudication, instruments of resignation and sasine, instruments of cognition and sasine, and other deeds and instruments of what nature soever necessary to transmit, renew, or complete the feudal title thereto, to omit the full insertion of such real burdens or conditions or limitations, provided such real burdens or conditions or limitations shall, in such dispositions and conveyances, decrees of adjudication, instruments of resignation and sasine, instruments of cognition and sasine, and other deeds or instruments aforesaid, be specially referred to as set forth at full length in the recorded instrument of resignation and sasine in which the same were first inserted, or in any recorded instrument of resignation and sasine, or of cognition and sasine, of subsequent date, and forming part of the progress of titles of the said lands, such reference being made in the terms, or as nearly as may be in the terms set forth in Schedule (C.) hereunto annexed; and the reference thus made to such real burdens or conditions or limitations shall be held as legally equivalent to the full insertion thereof, and to all intents and in all questions whatsoever, whether with the disponent or superior or third parties, shall have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded instrument referred to, notwithstanding of any law or practice to the contrary, and notwithstanding of any Act or Acts of Parliament to the contrary, which are hereby repealed to the effect of making this enactment operative, but no further.

And after reciting that it is expedient to assimilate in certain cases the forms of sasines in lands holden in burgage to those used in relation to lands holden by the other tenures :—

It is Enacted,

v. That from and after the 30th of September next it shall no longer be necessary towards obtaining infeftment in lands holden burgage, upon a disposition or other deed of conveyance, or upon a decree of adjudication or of sale, that the party or a procurator for the party obtaining infeftment shall appear before the provost, or some one of the baillies of the burgh in which such lands are situated, and resign the same into his hands as into the hands of Her Majesty, and for such provost or baillie to give sasine to such party or procurator, nor shall it be necessary to proceed to the ground of the lands, or to the council chamber of the burgh, or to use any symbol of resignation or sasine; and it shall be lawful and competent to resign and obtain infeftment in such lands by presenting to the town clerk of such burgh, being a notary public, such disposition or other deed, or such decree and other necessary warrants, and by such town clerk giving sasine therein by subscribing and recording an instrument in the form and manner hereinafter mentioned; and the instrument of sasine, or of resignation and sasine, following on such disposition or other deed or decree, may be expressed in the form, or as nearly as may be in the form, of Schedule (D.) to this Act annexed, and shall be authenticated in the manner shewn in such schedule; and such sasine or resignation and sasine, and such instrument following thereon, shall be as valid and effectual as if the same had been made and received, and given and expressed, in the mode and form at present in use, and that notwithstanding of an Act of the Scottish Parliament passed in the year 1567, or any other Act of Parliament now in force to the contrary, all which are hereby repealed to the extent of making this Act operative, but no farther.

vi. That every such instrument of sasine, or of resignation and sasine, shall be recorded in manner heretofore in use with regard to instruments of resignation and sasine in burgage property, and the town clerks of cities and burghs are hereby required to register the same accordingly; and such instruments of sasine, or of resignation and sasine, being so recorded, shall in all respects have the same effect as if resignation had been made and accepted, and sasine had been given, and an instrument of sasine, or of resignation and sasine, duly recorded, according to the law and practice heretofore in use.

vii. That every such instrument of sasine, or of resignation and sasine, may be competently and effectually recorded at any time during the life of the party in whose favour such instrument has been expedited, and the date of presentment and entry at

forth on any such instrument by the keeper of the record shall be taken to be the date of the instrument of sasine, or of resignation and sasine, and infestment; and in case of any error or defect in any such instrument it shall be competent of new to make and record an instrument of sasine, or of resignation and sasine, which shall have effect from the date of the recording thereof as if no previous instrument or instruments had been made or recorded.

VIII. That it shall no longer be competent to use letters of general charge or special charge, or general special charge, but in an action of constitution of an ancestor's debt or obligation against his unentered heir the citation on and execution of the summons in such action shall be held to imply and be equivalent to a general charge, the induciæ of which shall expire with the induciæ of such summons, and shall infer the like certification with such general charge; and it shall thereafter be competent to adopt under such summons the same procedure in all respects, and to pronounce the same decree, which would have been competent had such summons been preceded by letters of general charge duly executed against such heir according to the law and practice heretofore in use, which decree shall be a valid decree or constitution; and in an action of adjudication against such heir following on such decree of constitution, or in an action of adjudication against an unentered heir for his own debt or obligation, the citation on and execution of the summons of adjudication shall be held to imply and be equivalent to a special charge or general special charge, as the circumstances may require, the induciæ of which charge shall expire with the induciæ of such summons, and shall infer the like certification with such special charge or general special charge, as the case may be; and it shall thereafter be competent to adopt under such summons the same procedure in all respects, and to pronounce the same decree, which would have been competent had such summons been preceded by letters of special charge or general special charge, as the case may be, duly executed against such heir according to the law and practice heretofore in use, which decree shall be a valid decree of adjudication; and in an action of constitution and adjudication combined in the same summons against an unentered heir it shall be competent to adopt the same procedure in all respects, and to pronounce the same decree, which would have been competent had such summons been preceded by letters of general charge duly executed against such heir according to the law and practice heretofore in use; and in such combined action of constitution and adjudication it shall be competent to pronounce decree of constitution and adjudication in one and the same interlocutor, and to extract the same in one and the same extract, which decree shall be a valid decree of constitution and adjudication, anything in an Act of the Parliament of Scotland passed in the year 1540, and in another Act of the Parliament of Scotland passed in the year 1621, or in any other Act or Acts of Parliament, or any law or practice, to the contrary notwithstanding, the said Acts being hereby repealed to the extent of making these enactments operative, but no further.

IX. That it shall no longer be necessary that a summons of adjudication, or of ranking and sale, be preceded by a bill, such bill being hereby abolished.

And after reciting that it has been found inconvenient in practice to libel and conclude for general adjudication of lands as the alternative only of special adjudication in terms of an Act of the Parliament of Scotland passed in the year 1672:—

It is Enacted,

x. That it shall no longer be necessary to libel or conclude for special adjudication, and it shall be lawful to libel and conclude and decern for general adjudication without such alternative, anything in the said last-mentioned Act or in any other Act of Parliament to the contrary notwithstanding, the said last-mentioned Act and such other Acts being hereby repealed to the effect of making this enactment operative, but no further.

xi. That it shall be lawful to the Court of Session to pass such act or acts of sederunt as the Court may deem proper for carrying into effect the purposes of this Act.

xii. That in construing this Act, except where the nature of the provision or the context of this Act shall be repugnant to such construction, the word "disponer" shall extend to and include the disposer's heirs and successors; and the word "lands" shall include all other heritable subjects; and all words used in the singular number shall be held to include several persons or rhings, and words in the plural shall include the singular number; and all words importing the masculine gender shall extend and be applied to females as well as males.

xiii. That this Act shall take effect from and after the 30th day of September 1847.

xiv. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

*After the inductive and depositive Clauses the Deed may proceed thus:—*With Entry at the Term of [*here specify the Date of Entry*]. And I oblige myself to infest the said [*here insert the Name of the Disponee*] and his foresaids to be holden of Her Majesty in Free Burgage. And I hereby resign the said Lands and others in favour of the said [*here insert the Name of the Disponee*] and his foresaids for new Infestment [*or for new Liferent Infestment, or for new Infestment in Liferent and Fee respectively, as the Case may be*]. And I bind myself to free and relieve the said [*here insert the Name of the Disponee*] of all Cess, Annuity, Ground Annual, and other public and parochial Burdens. And I assign the Rents of the said Lands. And I also assign the Writs and Evidents, and have delivered the same according to Inventory. And I grant Warrandice as accords. And I consent to the Registration hereof for Preservation [*or for Preservation and Execution*]. In witness whereof [*here insert a testing Clause in the usual Form*].

Note.—The Clauses are assumed here as occurring in a Disposition, but they may be used in other Deeds and Instruments; and in the event of its being necessary to omit, vary, or qualify any one or more of them, this may be done, and the other Clauses may be retained.

SCHEDULE (B.)

Instead of inserting the Conditions of Entail at Length, these may be referred to as follows; viz.—"But always with and under the Conditions, Provisions, Reservations, and Clauses, prohibitory, irritant, and resolute, specified and contained in a Disposition and Deed of Entail [or "in the said Disposition and Deed of Entail," if it has been previously referred to,] of the said Lands and others made and executed by the deceased E.F. [here mention the Granter of the Entail], bearing Date the Day of in the Year and recorded in the Register of Tailzies on the Day of in the Year," [or "in an Instrument of Sasine in the said Lands and others in favour of G.H., dated and recorded in the Register of Sasines for the Burgh of the Day of in the Year."]

And in any subsequent Clauses of the Deed, in which it is requisite or usual to refer again to the Conditions of the Entail, the Reference may be made thus:—"But always with and under the Conditions, Provisions, Reservations, and Clauses, prohibitory, irritant, and resolute, before referred to."

SCHEDULE (C.)

Instead of inserting the Burdens, &c. at Length, these may be referred to as follows; viz.—"But always with and under the Burdens, Conditions, Provisions, Restrictions, Limitations, and Obligations [or such of these as may apply to the Case] specified and at more Length set forth in an Instrument of Sasine in the said Lands and others" [here describe the Sasine in which the Burdens, &c. were first inserted, or any subsequent Sasine in which they are inserted, forming Part of the Progress of the Titles to the Lands, the Sasine being described by the Name of the Party in whose favour it was passed, and the Date of Registration in the Burgh Register].

And in any subsequent Clauses, in which it is requisite or usual to refer again to the Burdens, &c., the Reference may be made thus:—"But always with and under the Burdens, Conditions, Provisions, Restrictions, Limitations, and Obligations [or such of them as may apply to the Case] before referred to."

SCHEDULE (D.)

At there was by [or on behalf of] A.B. [design the Disponee or other Person to whom Sasine is given] presented to me, Notary Public and Town Clerk of the said Burgh subscribing, a Disposition [or other Deed, or an Extract of a Deed, or any other Warrant, as the Case may be,] granted by C.D. [here design the Party Granter of the Deed,] and bearing Date the Day of [here describe shortly any connecting Deed or Writ, or Extract thereof, in virtue of which Sasine is given,] by which Disposition the said C.D. sold, alienated, and disposed to the said A.B. [or to E.F., as the Case may be,] and his Heirs and Assignees whomsoever, [here insert the Destination, if any,] heritably and irredeemably, [or redeemably, in Liferent, or otherwise, as the Case may be,] all and whole [here insert the Description of the Subjects conveyed, and any Conditions, Burdens, or Qualifications, or Power of Redemption, or any Reference to the same, as in the Disposition, and if the Disposition by C.D. was not to A.B. himself, but is vested in him as Assignee, Heir, or Adjudger, or otherwise, in whole or in part, state shortly the successive Transferences, and the Way in which he has Right thereto,] which Disposition contains an Obligation to infest the said A.B. [or E.F. as the Case may be,] to be holden of Her Majesty in Free Burgage, and also contains Procuratory for new Resignation of the said Lands and others in favour of the said Disponee and his forefathers, for new Infestment [or for new Liferent Infestment, or for new Infestment in Liferent and Fee respectively, as the Case may be]. In virtue of which Procuratory the said Lands and others were resigned, and in Terms of the said Disposition I hereby give Sasine to the said A.B. of all and whole the foresaid Lands and others [if the Deed contains any Conditions, &c., or any Reference to the same as aforesaid, then add, "but always under the Conditions, &c., before specified" or "referred to," as the Case may be]. In witness whereof I have subscribed these Presents, written on this and the preceding Pages by G.H., my Clerk, before these Witnesses, I.K. my Apprentice, and the said G.H.

G.H., Witness.
I.K., Witness.

(Motto.) L.M., Notary Public.

Note.—The Notary will sign according to the present Practice, and the Witnesses will sign on the last Page only, and if the Instrument proceeds upon a Decree of Adjudication or of Sale the necessary Changes will be made on the above Form.

CAP. L.

AN ACT to facilitate the Constitution and Transmission of Heritable Securities for Debt in Scotland, and to render the same more effectual for the Recovery of Debts.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. After 30th of September 1847 bonds and dispositions in security may be granted in the form of Schedule (A.) to this Act, and registered in the register of sasines.

2. Explanation of clauses in Schedule (A.)
3. Clauses reserving right of redemption, and of obligation to pay expense of assignation or discharge and power of sale, valid, &c.
4. Conditions of grantor's title may be omitted, if referred to as set forth in a recorded instrument of sasine.
5. Bonds and dispositions in security how to be registered in register of sasines.
6. Bonds and dispositions in security may be registered during lifetime of grantee, and title completed after his death.
7. Sale carried through in terms of this Act to be valid to the purchaser.
8. Creditors selling to count and reckon for the surplus of the price, and to consign the same into the bank.
9. On sale and consignation of surplus, lands to be disencumbered of the security and diligence of the seller, &c.
10. The Act 8 & 9 Vict. c. 31. to apply to the transmission and extinction of securities granted under this Act.
11. Fees to be taken by existing town clerks of royal burghs and keepers of registers during their respective rights of office, &c.
12. Court of session may make acts of sederunt.
13. Existing forms of security to be still competent.
14. Interpretation of Act.
15. Act may be amended, &c.

By this Act,

After reciting the passing of 8 & 9 Vict. c. 31, and that it is expedient likewise to facilitate the constitution of such securities, and to render the same more effectual for the recovery of debt;—

It is Enacted,

I. That from and after the 30th of September 1847, it shall be lawful for any person entitled to grant bond and disposition in security in favour of his creditors to grant the same in the form or as nearly as may be in the form of Schedule (A.) hereunto annexed; and the registration of such bond and disposition in security in the general register of sasines, or particular register of sasines, or burgh register of sasines, as the tenure of the lands embraced in the security may require, shall be as effectual and operative to all intents and purposes as if such bond and disposition in security had contained, in the case of subjects held by the ordinary tenures, an obligation to infest *a me vel de me*, procuratory of resignation, and precept of sasine, and in the case of burghage subjects an obligation to infest *more burgi*, and a procuratory of resignation, all in the words and form now in use, and as if sasine or resignation and sasine, as the case may be, had been duly made, accepted and given thereon in favour of the original creditor, and an instrument of sasine, or of resignation and sasine, as the case may be, had been duly recorded of the date of the registration of the said bond and disposition in security as aforesaid.

II. That the clause of assignation of rents to become due or payable shall be held to import an assignation to rents from and after the term from which interest on the sum in the bond commences to run in the fuller form now generally in use, including therein a power to the creditor, on default in payment, to enter into possession of the lands disposed in security and uplift the rents thereof, subject to accounting to the debtor for any balance of rents actually recovered beyond what is necessary for payment of the creditor; and the clause of assignation of writs shall be held to import an assignation to writs and evidents to the same effect as in the fuller form now in use in a bond and disposition in security with power of sale; and the clause of warrandice shall be held to import absolute warrandice as regards the lands and the title-deeds thereof, and warrandice from fact and deed as regards the rents; and the clause consenting to registration for preservation and execution shall import a consent to registration and a procuratory for registration in the books of council and session, or other Judge's books competent for preservation, and that letters of horning or six days' charge, and all other necessary execution, may pass on a degree to be interposed thereto: and the clause consenting to registration in the general or particular or burgh register of sasines shall entitle the creditor to register the said bond accordingly, either in the general register of sasines, or particular register of sasines, or burgh register of sasines, as the tenure of the lands embraced in the security may require.

III. That the clauses reserving right of redemption, and obliging the grantor to pay the expenses of assigning or discharging the security, and, on default in payment, granting power of sale, shall be in all respects as valid, effectual, and operative as if it had been in such bond and disposition in security specially provided and declared that the lands and others thereby disposed should be redeemable by the grantor, his heirs and successors, from the grantee and his heirs and successors, at the term and place of payment, or at any term of Whitsunday or Martinmas thereafter, upon premonition of three months, to be made by the grantor or his foresaids to the grantee or his foresaids, personally or at their dwelling-places, if within Scotland, and if furth thereof at the time then at the office of the keeper of the record of edictal citations within the general register house, Edinburgh, in presence of a notary public and witnesses, and that by payment to them of the whole principal sum payable under the bond and disposition in security, interest due thereon, and liquidated expenses and termly failures corresponding thereto, if incurred, and in case of their absence or refusal to receive the same, by consignation thereof, in one or other of the banks in Scotland, incorporated by Act of Parliament or royal charter, having an office or branch at the place of payment, to be made furthcoming on the peril of the consignor, the place of redemption to be within the office of such bank or branch thereof; and as if it had been thereby further provided and declared, that any discharge and renunciation, disposition and assignation, or other deed necessary, to be granted by the grantee or his foresaids, upon the grantor or his foresaids making payment and redeeming as aforesaid, and also the recording thereof, should always be at the expense of the grantor and his foresaids; and as if it had been thereby further provided and declared that if the grantor or his foresaids should fail to make payment of the sums that should be due by the personal obligation contained in the said bond and disposition in security within three months after a demand of payment intimated to the grantor or his foresaids, whether of full age or in pupillarity or minority, or although subject to any legal incapacity, personally, or at their dwelling-places if within Scotland, or if furth thereof at the office of the keeper of the record of edictal citations above mentioned, by a notary public and witnesses, then and in that case it should be lawful to and in the power of the grantee or his foresaids, immediately after the expiration of the said three months, and without any other intimation or process at law, to sell and dispose, in whole or in lots, of the said lands and others by public roup, at Edinburgh or Glasgow, or at the

head burgh of the county within which the said lands and others, or the chief part thereof, are situated, or at the burgh or town sending or contributing to send a member to Parliament which, whether within or without the county, shall be nearest to such lands, or the chief part thereof, on previous advertisement stating the time and place of sale, and published once weekly for at least six weeks subsequent to the expiry of the said three months, in any newspaper published in Edinburgh, and also in any newspaper published in such county, or if there be no newspaper published in such county, then in any newspaper published in the next or a neighbouring county, the grantee being always bound, upon payment of the price, to hold count and reckoning with the grantor or his foresaids for the same, after deduction of the principal sum secured, interest due thereon, and liquidated penalties corresponding to both which may be incurred, and all expenses attending the sale, and for that end to enter into articles of roup, grant dispositions, containing all usual and necessary clauses, and in particular a clause binding the grantor of the said bond and disposition in security, and his heirs, in absolute warrandice of such dispositions, and obliging him and them to corroborate and confirm the same, and to grant all other deeds and securities requisite and necessary by the laws of Scotland for rendering such sale or sales effectual, in the same manner and as amply in every respect as the grantor could do himself; and as if it had been thereby further provided and declared that the said proceedings should all be valid and effectual, whether the debtor in the said bond and disposition in security for the time should be of full age, or in pupillarity or minority, or although subject to any legal incapacity, and that such sale or sales should be equally good to the purchaser or purchasers as if the grantor himself had made them, and also that in carrying such sale or sales into execution, it should be lawful to the grantee and his foresaids to prorogue and adjourn the day of sale from time to time as they should think proper, previous advertisement of such adjournment being given in the newspapers above mentioned once weekly for at least three weeks; and as if the grantor had bound and obliged himself and his foresaids to ratify, approve of, and confirm any sale or sales that should be made in consequence thereof and to grant absolute and irredeemable dispositions of the lands and others so to be sold to the purchaser or purchasers, their heirs and assignees, and to execute and deliver all other deeds and writings necessary for rendering their rights complete.

iv. That in bonds and dispositions in security to be granted in terms of this Act it shall be lawful and competent, notwithstanding any declaration to the contrary contained or to be contained in the rights and title deeds of the lands embraced by the security instead of inserting at full length any conditions, reservations, restrictions, and provisions under which such lands and other heritages are held, to make reference to the same as set forth at full length in the recorded instrument, whether of sasine or resignation *ad remanentiam*, in which the same were first inserted, or any other recorded instrument of sasine, forming a part of the investiture of the grantor of such security in the said lands, and which shall contain such conditions, reservations, restrictions, and provisions at full length, such recorded instrument being described by the name of the person in whose favour the same was expedited, the register of sasines in which the same is recorded, and the date of recording the same; and such reference shall be, to all intents, and in all questions whatever, whether with the original disponent or the superior, or any other party, as valid and effectual as if the same had been inserted at length exactly as they may be expressed in such instrument referred to.

v. That bonds and dispositions in security presented for registration in the register of sasines in pursuance of this Act shall be forthwith shortly registered in the minute books of the said register in common form, and shall with all due despatch be fully registered in the register books, and thereafter re-delivered to the parties, with certificates of due registration thereon, which shall be probative of such registration, such certificates specifying the date of presentation, and the book and folio in which the ingrossment has been made, and being subscribed by the keeper of the register; and the date of entry in the minute book shall be held to be the date of registration; and extracts of writings registered in pursuance of this Act shall make faith in all cases in like manner as the writings registered, except where the writings so registered are offered to be improved.

vi. That bonds and dispositions in security to be granted as aforesaid may be registered in the register of sasines at any time during the lifetime of the grantee, and shall in competition be preferred according to the date of the registration thereof: Provided always, that if such bond and disposition in security has not been so registered in the lifetime of the grantee, such bond and disposition shall be as full and sufficient warrant of sasine in favour of the party having right to the bond by service, adjudication, or otherwise, as if it had been a bond and disposition including precept of sasine and other clauses in the ordinary form now in use; and infestment being passed upon the same in the form or as nearly as may be in the form prescribed by an Act, 8 & 9 Vict. c. 31, intituled 'An Act to simplify the Form and diminish the Expense of obtaining Infestment in Heritable Property in Scotland,' and duly recorded, shall be to all intents and purposes good and valid infestment in favour of the party so infest.

vii. That any sale duly carried through in terms of this Act shall be as valid and effectual to the purchaser as if made by the grantor of the security himself, and that whether the grantor shall have died before or after such sale, and without the necessity of confirmation by him or his heirs, and notwithstanding that the party debtor in the security and in right of the lands at the time shall be in pupillarity or minority or subject to any legal incapacity: Provided always, that nothing herein contained shall be held to affect or prejudice the obligation of the grantor and his heirs to execute, or the right of the creditor or purchaser to require the grantor and his heirs to execute, any deed or deeds which, independently of this enactment, would at common law be necessary for rendering the sale effectual, or otherwise completing in due form the titles of such purchaser.

viii. That the creditor, upon receipt of the price, shall be bound to hold count and reckoning therefor with the debtor and postponed creditor, if any such there be, and their heirs and assignees, or with any other party having interest, and to consign the surplus which may remain after deducting the debt secured, with the interest due thereon and penalties incurred, and whole expenses attending such sale, and after paying all previous incumbrances and expense of discharging the same, in one or other of the said banks, or in a branch of any such bank, in the joint names of the seller and purchaser, for behoof of the party or parties having best right thereto; and the particular bank in which such consignment is to be made shall be specified in the articles of roup.

ix. That upon a sale being carried through in terms of this Act, and upon consignment of the surplus of the price, if any be, as aforesaid, the disposition by the creditor to the purchaser shall have the effect of completely disencumbering the lands and others sold of all securities and diligences posterior to the security of such creditor, as well as of the security and diligence of such creditor himself.

x. That all the provisions, conditions, and enactments contained in the said recited Act shall be held to apply to the transmission and extinction of heritable securities for debt in Scotland, constituted in terms of this Act: Provided always, that where in the assignations, writs of acknowledgment, discharges, or other instruments granted under the said recited Act, reference is thereby directed to be made to the instrument of sasine on any bond and disposition in security, it shall be sufficient, in the case of a bond and disposition in security granted under authority of this Act, to make reference to the date of recording such bond and disposition in security itself in the register of sasines.

xi. That nothing herein contained shall be construed to prevent the existing town clerks of royal burghs in Scotland, during the existence of their respective rights of office, from exacting and receiving the same fees, in respect of recording bonds and dispositions in security under this Act, as the same town clerks would before the passing of this Act have been legally entitled to exact or receive on their own account, in respect of passing the infeftments within burgh and preparing and recording the instruments of sasine and resignation on said bonds and dispositions in security; provided always, that in computing the said fees such instruments of sasine and resignation shall not be computed as of greater length than the writings actually recorded whereby such instruments of sasine and resignation have been rendered unnecessary; and all other keepers of registers of sasine, during the existence of their respective rights of office, or until otherwise regulated by law, shall upon the registration by them of such bonds and dispositions in security, be entitled to the same fees as such keeper would have been entitled to upon the registration of an instrument of sasine of the same length in favour of the same party in reference to the same right, and to no other or further fee whatever.

xii. That it shall be lawful to the Court of Session to pass such acts of sederunt as the said Court may deem proper for regulating the register of sasines, and the fees to be paid to the several keepers thereof for registrations in virtue of this Act, and generally for carrying out the purposes of this Act.

xiii. That nothing in this Act contained shall prevent the establishment of heritable securities in the forms in use, or which might be competently used, at the passing of this Act.

xiv. That in construing this Act, except where the nature of the provision, or the context of this Act, shall be repugnant to such construction, the word "granter" shall extend to and include the granter's heirs, successors, and representatives; and the word "debtor" shall include the debtor's heirs, successors, and representatives; and the word "creditor" shall extend to and include the party in whose favour the bond and disposition in security is granted, and his heirs and assignees, or other party acquiring right to such security; and the word "lands" shall include all other heritable subjects; and all words used in the singular number shall be held to include several persons or things; and all words importing the masculine gender shall extend and be applied to females as well as males.

xv. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

I *A.B.* [here name and design the Granter] grant me to have instantly borrowed and received from *C.D.* [here name and design the Creditor] the Sum of [insert the Sum] Sterling; which Sum I bind myself and my Heirs, Executors, and Representatives whomsoever, without the Necessity of discussing them in their Order, to repay to the said *C.D.* or his Heirs and Assignees whomsoever, at the Term of [here insert the Date and Place of Payment], with a Fifth Part more of liquidate Penalty in case of Failure, and the legal Interest of the said Principal Sum from the Date hereof to the said Term of Payment, and half-yearly termly and proportionally thereafter during the Not-payment of the same, and that at Two Terms in the Year, Whitsunday and Martinmas, by equal Portions, beginning the First Term's Payment of the said Interest at the Term of next to come, for the Interest due preceding that Date, and the next Term's Payment thereof at following, and so forth, half-yearly termly and proportionally thereafter during the Not-payment of the principal Sum, with a Fifth Part more of the Interest due at each Term of liquidate Penalty in case of Failure in the punctual Payment thereof. And in Security of the personal Obligation before written, I dispose to and in favour of the said *C.D.* and his forebears, heritably, but redeemably as after mentioned, yet irredeemably in the event of a Sale by virtue hereof, all and whole [here describe the Lands or other Heritages] (a) and that in Real Security to the said *C.D.* and his forebears of the whole Sums of Money above written, Principal, Interest, and Penalties. And I assign the Rents; and I assign the Writs; and I grant Warrandice; and I reserve Power of Redemption; and I oblige myself for the Expenses of assigning and discharging this Security; and on default in Payment I grant Power of Sale; and I consent to Registration for Preservation and Execution, and also to Registration in the General or Particular [or Burgh, as the Case may be,] Register of Sasines. In witness whereof, &c. [add a testing Clause].

(a) If the Lands are held under any Conditions, Reservations, Restrictions, and Provisions, say here,—“But with and under the whole Conditions, Reservations, Restrictions, and Provisions specified and contained in an Instrument of Sasine, or ‘Resignation ad remanentiam,’ in the said Lands and others, in favour of *E.F.* recorded in the [here mention the Register in which the Instrument is recorded], upon the Day of in the Year .”

CAP. LI.

AN ACT to amend the Practice in *Scotland* with regard to Crown Charters and Precepts from Chancery.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Signatures and precepts to Chancery abolished.*
 2. *Charters to be obtained by lodging a draft thereof and note along with the title deeds.*
 3. *Draft charter to be revised.*
 4. *Rectification of mistakes in former titles.*
 5. *Presenter of signature, &c. may refer to copy of charter, &c. when withheld.*
 6. *Amount of Crown duties to be fixed.*
 7. *Clerk's fees.*
 8. *Copy of revised draft to be furnished to the party.*
 9. *If no objections, the revised draft to be attested, and the charter prepared.*
 10. *Charters may be applied for at any time.*
 11. *Objections, if any, to be by a note.*
 12. *Objections, how to be disposed of.*
 13. *Procedure if objections repelled.*
 14. *Refusal to revise, how to be complained of.*
 15. *Charter as revised to be ingrossed and delivered.*
 16. *Charter to be valid.*
 17. *Ceremony of resignation abolished.*
 18. *Precepts from Chancery to heirs specially served, how to be obtained.*
 19. *Precepts may also be granted to heirs holding only a general service.*
 20. *Record of precepts to be kept.*
 21. *Charters of confirmation may be granted, combined with precepts for infestling heir.*
 22. *Charters of novodamus, how to be obtained.*
 23. *Lodging draft charter with note and recording note to be equivalent, in competition, to presenting a signature and recording abstract.*
 24. *Crown charters, and charters by and on behalf of the prince and steward of Scotland, may be in the forms given in Schedule (C).*
 25. *Charters to be in the English language.*
 26. *Conditions of entail may be referred to as already in the register of entails or register of sasines.*
 27. *Real hurens may be referred to as already in the register of sasines.*
 28. *Exchequer Judges to frame regulations.*
 29. *Presenter of signatures, if required, to discharge duties of sheriff.*
 30. *Additional allowance to presenter of signatures.*
 31. *Salary to be regulated by Commissioners of the Treasury when vacancy occurs.*
 32. *Compensation, how to be applied for.*
 33. *Compensation, how to be paid.*
 34. *Power to prince and steward of Scotland to appoint his own presenter of signatures, &c.*
 35. *Interpretation of Act.*
 36. *Act may be amended, &c.*
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By this Act,

After reciting that it is expedient to amend the mode presently in use in Scotland of obtaining charters from Her Majesty and from the prince and steward of Scotland, and precepts from Chancery for infestling heirs :—

It is Enacted,

1. That from and after the 1st of October 1847 the practice of presenting and passing signatures in Exchequer, and of thereon framing and issuing precepts, as preliminary to the granting of charters from Her Majesty or the prince and steward of Scotland, shall cease and determine; and it shall no longer be necessary, in order to the obtaining of any charter, that such signature shall be presented and passed, or such precept be framed and issued; and all such charters shall be obtained in the manner directed by this Act, and not otherwise; and all laws, statutes, and usages heretofore existing, inconsistent with or at variance with the provisions of this Act, shall be and are hereby repealed.

11. That any person seeking to obtain a charter from Her Majesty or from the prince and steward in Scotland shall lodge or cause to be lodged, in the office of the presenter of signatures, a draft of the proposed charter, prepared by his agent, being a writer to the signet, whose signature shall be indorsed thereon, together with a short note, in the terms or to the effect of the Schedule (A.) hereunto annexed, praying for a charter in terms of the said draft; and the date of lodging such note shall be marked thereon by the presenter of signatures or his clerk; and along with such note and draft there shall be lodged the last crown charter

or prince's charter, or retour or decree of service, and precept from Chancery, of the lands, and all the title deeds of the lands subsequent thereto, together with evidence of the valued rent when necessary, and an inventory and brief of the titles according to the present practice.

III. That the draft charter so lodged shall be forthwith revised by the presenter of signatures, who shall require the attendance of the agent of the person applying for the charter, for the purpose of receiving his explanations; and the presenter of signatures shall thereafter proceed with the revision of the said draft, making such alterations and corrections as are necessary, and he shall, after his final revision of such draft, authenticate each page thereof, and the several alterations and corrections thereon, if any, with his initials, and shall mark on such draft that the same has been revised by him, and also the date when such revision was completed; and the fees on signatures presently payable to the presenter of signatures shall be chargeable on the draft charter to be lodged and revised as aforesaid, and all other fees presently payable to the officers of Exchequer on signature shall cease and determine.

IV. That if it shall appear that any mistake has occurred in the terms of the last charter or retour or decree of service to the prejudice of the crown or prince, the person applying for the charter shall farther, on requisition made to him or his agent to that effect, by order of the presenter of signatures, lodge the prior title deeds of the said lands, and any other title deeds of and concerning the same, in so far as such title deeds may be in his possession or at his command, and in so far as the same may be necessary for the due revision of the said draft on behalf of Her Majesty or the prince, and the rectification of such mistake, which may be rectified accordingly; and on the other hand, if the vassal shall allege any mistake to have occurred in the terms of the last charter or retour or decree of service to his prejudice, the person applying for the charter shall be entitled, without such requisition, to produce the prior titles of the said lands, and any other title deeds or other deeds of and concerning the same, in so far as these may be necessary for the due revision of the said draft and the rectification of such mistake, which may be rectified accordingly; but no such rectification shall in either case be allowed, nor the draft be held as finally revised or authenticated as such, until the same shall have been reported by the presenter of signatures to and approved of by the Judges performing the duties of the Court of Exchequer, in terms of an Act, 2 & 3 Vict. for regulating the duties to be performed in the supreme courts of Scotland, or one of the said Judges.

V. Provided and enacted, That when the last charter or retour or decree of service shall be withheld by the person applying as aforesaid, or cannot be so lodged from being in the possession of the proprietor of other lands therein contained, or from any other good cause, it shall be competent for the presenter of signatures, or for the person applying as aforesaid, to refer to the copy thereof ingrossed in the register of the great seal, or in the register of retours or decrees of service, and to procure exhibition thereof as evidence of the terms of such last charter or retour or decree of service; and the lord clerk register is hereby authorized and required to make such regulation as will enable the exhibition thereof to be obtained for the purpose aforesaid, upon the joint application of the person so applying and of the presenter of signatures.

VI. That the presenter of signatures shall also, with the aid of the auditor of Exchequer, ascertain and fix the amount of composition or other duties due and payable to Her Majesty or the prince on granting such charter, and the amount of the same shall be marked on the said draft, and certified by the signatures of the said auditor of Exchequer and of the presenter of signatures; and in ascertaining and fixing the amount of such composition and other duties payable to the Crown there shall be no charge added for the expense of collecting the same, any law or practice to the contrary notwithstanding.

VII. That the person applying for such charter shall be bound to pay to the clerk of the presenter of signatures the fees to be fixed in manner hereinafter provided; and which fees shall be paid over by such clerk to the director of Chancery, who shall be accountable therefor.

VIII. That such revised draft shall be retained in the office of the presenter of signatures, and shall be there open to the inspection of the party applying for the charter or his agent, and a copy thereof shall be furnished on demand, on payment of the fees to be fixed as hereinafter directed.

IX. That where no objections shall be stated to the draft as so revised a docquet shall be put thereon, certifying that the same is approved, which docquet shall be signed by the agent applying for the charter and by the presenter of signatures, and the date of signing the same thereon set forth; and such draft so docquetted shall, without being given up to the party applying for the charter or his agent, be officially transmitted by the presenter of signatures to the office of the director of Chancery, and shall form a valid and sufficient warrant for the immediate preparation of the charter in Chancery, in terms of such draft.

X. That it shall be competent to apply for the charter in manner before directed, and to revise the draft of the same, and in the event of the same being docquetted as revised and approved in manner aforesaid, to prepare and deliver the charter as hereinafter directed, at any period of the year, and notwithstanding that it shall not then be term time of the Court of Exchequer.

XI. That it shall be lawful for the person applying for the charter, if dissatisfied with the draft revised as aforesaid, to state objections thereto or against the amount of duties and composition thereon marked as payable; and such objections shall be set forth in a short written note of objections, without argument, to be lodged in the office of the presenter of signatures, subscribed by the agent of such person; and the date of lodging such note of objections shall be marked thereon by the presenter of signatures or his clerk.

XII. That where any note of objection shall be so lodged, such note shall, together with the whole other proceedings, be laid before the said Judges, or any one of the said Judges; and the said Judges or Judge shall hear the person so objecting by himself, his counsel or his agent, being a writer to the signet, and shall also hear any report or statement by the presenter of signatures; and wherever it shall appear to the said Judges or Judge that the said objections should to any extent receive effect, they or he shall cause such alterations and corrections as shall appear to them or him proper, either with reference to the terms of the said draft, or to the amount of duties or other payments marked thereon as payable, to be made on such draft, or to be expressed in a separate paper marked as relative thereto, and shall authenticate such draft and relative paper with their or his signature;

and the said Judges or Judge shall at the same time pronounce a judgment or deliverance, to be written on the note of objections appointing the charter, as so altered and corrected, to be prepared and executed; and the judgment or deliverance so pronounced shall form a valid and sufficient warrant for the preparation in Chancery of the charter as altered and corrected.

XIII. That wherever the said Judges or Judge shall be of opinion that the said objections should not to any extent receive effect, they or he shall pronounce a judgment, to be written on the said note of objections, repelling the said objections; and the judgment or deliverance so pronounced shall form a valid and sufficient warrant for the preparation in Chancery of the charter as revised by the presenter of signatures in manner before directed.

XIV. That wherever the presenter of signatures aforesaid shall be of opinion that the person applying for the charter has not produced a title sufficient to shew that he has right to obtain the same, the presenter of signatures shall mark on the said draft that the same is refused for want of sufficient production of titles, adding thereto his signature and the date of affixing the same; and his clerk shall intimate such refusal to the agent of the said person, and shall, on demand, return the draft to such agent; and in every such case it shall be competent for the person who shall have applied for the charter to bring such refusal under review of the said Judges or Judge by a note of objection lodged in manner aforesaid; and the said Judges or Judge shall, after considering such note, and hearing parties thereon in manner aforesaid, sustain or repel the objection, or pronounce such judgment thereon as shall be just; and if the said Judges or Judge shall be of opinion that a sufficient title has been shewn to authorize the charter being granted, they or he shall in that case remit to the presenter of signatures to proceed with the revival of the draft in manner before mentioned.

XV. That as soon as the draft shall have been docketed as revised and approved in manner before provided, or, in case of objections being stated, as soon as the same shall have been disposed of by the Judges or Judge in Exchequer in manner before directed, it shall be lawful immediately thereafter to have the charter ingrossed in the office of Chancery aforesaid, in terms of the draft as finally adjusted and officially transmitted to the director of Chancery; and the said charter shall have the seal appointed by the treaty of union to be kept and used in Scotland in place of the great seal thereof formerly in use affixed thereto, or the seal of the prince if the charter be of lands holden of the prince, and a separate seal be then in use for such charters, and shall be recorded in Chancery, and thereafter delivered to the person applying for the same, or his agent, in like manner in all respects, and on payment of the same fees and charges as at present used and observed and payable, and the date of sealing shall in all cases be held and expressed to be the date of the charter: Provided always, that before the charter shall be so delivered payment shall be made to the officers who are or may be entitled to receive the same of the amount of duties and compositions payable to Her Majesty or the prince, ascertained and fixed as aforesaid; and a record of the amount of duties payable to Her Majesty or the prince shall be kept in Chancery, so as to form a charge against the officer or other person appointed to receive the same.

XVI. That the charter, engrossed, sealed, recorded and delivered as aforesaid, shall be in all respects as valid and effectual, and form an equally sufficient warrant for infestment passing thereon, as any charter of the same description hitherto in use to be granted by Her Majesty or the prince and steward of Scotland, notwithstanding that the same has not followed on any signature presented and passed in Exchequer or precept directed thereon, any law or usage heretofore existing to the contrary notwithstanding.

XVII. That in every case in which a charter of resignation by Her Majesty or the prince and steward of Scotland is applied for, it shall not, from and after the date aforesaid, be necessary to go through any form or ceremony of resignation, but in all cases resignation shall be held to be duly made and completed in terms of the procuratory of resignation by the ingiving of the note applying for the charter as aforesaid, and as of the date of such ingiving; and the charter of resignation shall set forth that resignation was made of the date of applying for the same, without the necessity of specially setting forth such date, and shall otherwise deduce the titles according to law; and every such charter of resignation shall be as valid and effectual, and form an equally sufficient warrant for infestment passing thereon, as any charter of resignation heretofore granted by Her Majesty or the prince, any law or usage to the contrary notwithstanding.

XVIII. That from and after the date aforesaid, when any person who has obtained himself specially served as heir to a deceased ancestor, or decree of special service, shall seek to obtain a precept from Chancery for infesting himself as such heir, he shall in like manner as before directed lodge or cause to be lodged in the office of the presenter of signatures the retour or decree of his special service, and a draft of the proposed precept, prepared by his agent, being a writer to the signet, in the form, or as nearly as the case will admit, of the Schedule (B.) hereunto annexed, together with a note in the terms or to the effect before directed, and the last charter or charters or retour or decree of service and other titles of the lands as aforesaid, and the said draft shall be revised by the presenter of signatures on behalf of Her Majesty or the prince and steward of Scotland in manner aforesaid; and all the provisions hereinbefore contained with regard to drafts of charters from Her Majesty or the prince and steward of Scotland shall be and the same are hereby made applicable to such drafts of precepts; and the draft of such precept when docketed as revised and approved in manner before provided, or, in the case of objections, the judgment or deliverance of the Judges or Judge in Exchequer aforesaid, shall, when officially transmitted to the office of the director of Chancery in manner aforesaid, form a valid and sufficient warrant for the preparation in Chancery of the precept in terms of the draft as finally corrected and approved, and the same shall forthwith be ingrossed in the office of Chancery aforesaid, and after being recorded in manner hereinafter directed shall be delivered to the person applying for the same, in like manner, and on payment of the same fees and charges, as at present used and observed and payable; and the precept so ingrossed and delivered shall be in all respects as valid and effectual, and form an equally sufficient warrant for infestment passing thereon, as any the like precept issued from Chancery according to the mode presently in use: Provided always, that before the precept is so delivered payment shall be made of the amount of duties and composition payable to the Crown or prince, as the same shall have been fixed in manner above mentioned.

XIX. That from and after the date aforesaid it shall not be necessary that any precept from Chancery for infesting heirs shall proceed, as heretofore, exclusively on special service in the particular lands for infestment in which such precept is sought, but it shall be competent for any person to apply for and obtain such precept on lodging, along with the charter or charters or

other title as aforesaid, an extract retour or decree of general service, duly expedé and recorded, instructing the propinquity of such person to the party who died last vest and seised in the subjects, or the character of heir otherwise vested in him, and establishing his right to succeed to the said lands; and the precept granted on production of such extract retour or decree of general service shall be expressed in the form, or as nearly so as the case will admit, of the said Schedule (B.), and shall be applied for, revised, and obtained in like manner as hereinbefore directed in regard to charters, and the infestment passing on such precept shall be as valid and effectual as the infestment passing on any precept for infesting heirs hitherto in use to be issued from Chancery.

xx. That from and after the date aforesaid the director of Chancery, or his depute or substitute, shall record or cause to be recorded at full length every precept, whether of crown or principality lands, issued from Chancery for infesting heirs, in a book or books to be kept exclusively for that purpose, intituled "The Record of Precepts;" and extracts from the said record, certified by the director of Chancery, or his depute or substitute, shall make entire faith in all cases, except in case of impropriation.

xxi. That it shall be competent to apply for and obtain, in manner before mentioned, a charter of confirmation from Her Majesty or the prince and steward of Scotland, combined in the same deed with a precept for infesting heirs as aforesaid; and in every case in which such charter and precept are contained in the same deed it shall be sufficient for the validity of the said deed that it pass under the seal appointed by the treaty of union to be used in place of the great seal or the seal of the prince, as the case may be, and if his separate seal be then in use for such charters as aforesaid, in like manner with the charter of confirmation when contained in a separate deed.

xxii. Provided and enacted, That in every case in which a charter of novodamus, or a charter containing any new or original grant, shall be sought, the person applying for the same shall, previously to lodging the note before mentioned in the office of the presenter of signatures, obtain the consent and approbation of the Commissioners of Her Majesty's Woods and Forests, or any two of them, and written evidence of such consent shall be produced along with the note to be lodged as aforesaid in the office of the presenter of signatures; and the charter shall be revised and ingrossed as in the ordinary case, but the same, before being sealed, shall be lodged with the Queen's and Lord Treasurer's Remembrancer, and be by him transmitted for the sign manual of Her Majesty, and the signatures of the Lord High Treasurer or of the Commissioners of Her Majesty's Treasury, or any three of them, and in case such charter be of lands holden of the prince and steward of Scotland, and His Royal Highness be then of full age, for the consent and approbation of the prince, signified under his sign manual, after which the proper seal shall be attached to such charters, and the other procedure be as is provided in regard to charters from the Crown and prince generally.

xxiii. That the lodging of a draft of a proposed charter, together with a short note in terms or to the effect of Schedule (A.) hereunto annexed, praying for a charter in terms of such draft, shall, in competition of diligence and all other cases, be deemed and held to be equivalent to the presenting of a signature in Exchequer; and recording a copy of such note, and an abstract of such draft charter, in the register of abbreviates of adjudications, shall be deemed and held to be equivalent to recording in the said register an abstract of such signature.

xxiv. That from and after the 1st of October 1847 all crown charters, and charters by or on behalf of the prince and steward of Scotland, if the same be charters of resignation, may be in the form, as nearly as the case will admit, given in Schedule (C.), No. 1, hereunto annexed, and if the same be charters of confirmation may be in one or other of the forms, or as nearly as the case will admit, given in the said Schedule (C.) No. 2. and 3., and if the same be charters of any other denomination or nature, they may be in forms as nearly approaching as may be to the examples given in the said Schedule (C.); and such charters, when granted in these forms or as nearly as may be in these forms, shall have the same force and legal effect in all respects as if the same had been granted in the forms now in use, and shall be read and construed as largely and beneficially in all respects for the holders thereof as if the same had been expressed in and had contained the whole terms and words which are now used according to the present practice in granting such charters.

xxv. That from and after the date aforesaid all charters granted by Her Majesty or the prince and steward of Scotland, and the instruments of sasine following thereon, and all precepts from Chancery for infesting heirs, and instruments of sasine thereon, shall be expressed in the English language.

xxvi. That in all cases where lands are or shall be held under a deed of entail, it shall be lawful and competent, in the charters and precepts containing such lands, and the instruments of sasine following on such charters and precepts respectively, to omit the full insertion of the conditions and provisions, and prohibitory, irritant, and resolute clauses, of such deed of entail, provided such conditions and provisions, and prohibitory, irritant, and resolute clauses shall be in such charters, precepts, and instruments of sasine specially referred to as set forth at full length in the recorded deed of entail, if the same shall have been recorded in the register of tailzies, or as set forth at full length in any recorded instrument of sasine forming part of the progress of title deeds under the said entail, such reference being made in the terms or as nearly as may be in the terms directed in Schedule (C.) hereunto annexed, and the reference thus made to such conditions and provisions, and prohibitory, irritant, and resolute clauses, shall be held to be equivalent to the full insertion thereof, and shall to all intents, and in all questions whatever, whether *inter hæredes* or with third parties, have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded deed or instrument referred to, notwithstanding any law or practice to the contrary, or any injunction to the contrary, contained in such deed of entail, and notwithstanding the enactments or provisions to the contrary contained in an Act of the Parliament of Scotland made in the year 1685, intituled 'Act concerning Tailzies,' or any other Act of Parliament now in force, all which are hereby repealed to the extent of making this enactment operative, but no further.

xxvii. That in all cases where lands or other heritages are or shall be held under any real burdens or conditions or limitations whatsoever appointed to be fully inserted in the investitures of such lands, it shall, notwithstanding such appointment, and notwithstanding any law or practice to the contrary now existing, be lawful and competent in charters and precepts containing such lands, and the instruments of sasine following upon such charters and precepts respectively, to omit the full insertion of such

real burdens or conditions or limitations, provided that such real burdens, or conditions, or limitations shall in such charters or precepts or instruments of assise be specially referred to as set forth at full length in the recorded instrument, whether of assise or of resignation *ad remanentiam*, wherein the same were first inserted, or in any recorded instrument of assise of subsequent date, forming part of the progress of titles of such lands, such reference being made in the terms or as nearly as may be in the terms directed in Schedule (C.) hereunto annexed, and the reference thus made to such real burdens or conditions or limitations shall be held to be equivalent to the full insertion thereof, and shall to all intents and in all questions whatever, whether with the disposer or superior or third parties, have the same legal effect as if the same had been inserted exactly as they may be expressed in the recorded instrument referred to, notwithstanding any law or practice to the contrary, and notwithstanding any Act or Acts of Parliament to the contrary, which are hereby repealed to the effect of making this Act operative, but no further.

XXVIII. That the Judges performing the duty of the Court of Exchequer as aforesaid shall be and they are hereby authorized from time to time to frame and enact, by rule of court, all such regulations as shall seem to them proper for giving effect to the purposes of the present Act; and the said Judges shall forthwith frame and enact a rule of court fixing and determining the fees to be paid on the various writs, steps of procedure, and other matters herein and hereby authorized; but such rule of court shall be subject to their own revision at any time or times thereafter.

XXIX. That the presenter of signatures shall, when authorized and required by the Lord Justice General and President of the Court of Session, discharge the duties at present or which may hereafter be attached to the office of sheriff of Chancery, or any part of these duties, and that during such part of the year as may be required of him, and shall for that purpose possess all powers and jurisdiction vested in such sheriff of Chancery.

And in respect that considerable additional duties are by this Act required to be performed by the presenter of signatures, it is enacted,—

XXX. That the presenter of signatures shall receive in consideration thereof such additional salary as may be allowed by the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any three or more of them, which additional salary shall be payable out of the same fund from which the salary of the presenter of signatures is at present paid.

XXXI. That whenever any vacancy shall occur in the office of presenter of signatures it shall be lawful to the Commissioners of Her Majesty's Treasury, or any three or more of them, to regulate the salary of the presenter of signatures, as the then circumstances of the office may require.

XXXII. That it shall be lawful for any person who conceives that he is entitled to compensation for loss to be suffered through the operation or effect of this Act to make application to the Lord High Treasurer, or to the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, for the time being, claiming such compensation; and it shall be lawful for the said Lord High Treasurer or Commissioners of the Treasury to investigate such claim, and call for such evidence in relation thereto as he or they may think necessary, and upon such claim being established to his or their satisfaction, the said Lord High Treasurer, or Commissioners of Her Majesty's Treasury, or any three of them, is and are hereby authorized and empowered to award to such person such compensation as he or they shall think him entitled to, either by the payment of a gross sum or by way of annuity, as he or they shall think proper: Provided always, that a copy of every such award for compensation shall be laid before both Houses of Parliament within ten days from the date thereof if Parliament shall be then sitting, and if not then within ten days after the commencement of the session next ensuing; and no such award shall be final and conclusive until two calendar months after the same shall have been so laid before Parliament: Provided also, that if any person to whom compensation shall be so awarded by way of annuity shall be afterwards appointed to any other public office, such compensation shall be accounted *pro tanto* of the salary payable to such person in respect of such other office while he shall continue to hold the same.

XXXIII. That the several compensations which may be awarded under the authority of this Act shall be payable and paid out of the monies which, by the Acts of 7 and 10 Ann., were made chargeable with the fees, salaries, and other charges allowed or to be allowed for keeping up the Courts of Session, Justiciary, or Exchequer in Scotland.

XXXIV. That, notwithstanding anything in this Act contained, it shall be lawful for the prince and steward of Scotland, being of full age, at any time or times hereafter to appoint his own presenter of signatures, and other officer or officers of Exchequer and Chancery, to discharge, in regard to all charters and precepts to heirs of lands holden of him, the duties hereby assigned to the presenter of signatures and other officers of Her Majesty's Exchequer and Chancery respectively; and in case of the office of presenter of signatures or any such other office in Exchequer or Chancery as aforesaid for the prince being conferred on the person holding the corresponding office for the Crown, such officer shall be bound to act for the prince without additional salary; and the fees hereby authorized to be levied in respect of all charters and precepts to heirs from the prince shall in that case be paid into the Consolidated Fund, but if any such appointment by the prince shall be conferred upon a different person, the person so appointed shall draw for his own use such of the said fees as shall arise from the duties performed by him in respect of such charters and precepts.

XXXV. That the following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say.)

Words importing the singular shall include the plural number, and words in the plural shall include the singular number:

Words importing the masculine gender shall include females:

The word "lands" shall extend to and include houses, mills, fishings, teinds, patronages, lands, tenements, and heritages of every description held of the Crown or of the prince of Scotland.

XXXVI. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Note for A.B. [insert Name and Designation.]

THE said A.B. humbly prays, that a Charter [or Precept, or other Deed, as the Case may be,] may be granted by Her Majesty [or the Prince and Steward of Scotland, as the Case may be,] in Terms of the Draft herewith lodged, and marked as relative hereto.

(Signed) C.D. (w.s.), Agent for the said A.B.

SCHEDULE (B.)

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: Whereas by Decree of General Service or "of Special Service," as the Case may be, of A.B. [here insert the Name and Designation of the Heir], dated [here insert the Date of the Decree], and recorded in Chancery [here insert the Date of Registration], and other authentic Instruments and Documents, it clearly appears that C.D. [here insert the Name and Designation of the Ancestor], died last vest and seised as of Fee in [here describe the Lands, &c., and when there are Conditions of Entail here insert them, or make a competent Reference to them, and describe the Deed of Entail or other Deed of Provision by Date and Date of Registration, and insert the Destination, and where there are any other Burdens or Qualifications here insert or make a competent Reference to them, as directed in Schedule (C.)], and that in virtue of [here describe the Charter and Sasine, or Precept and Sasine, or other Deeds forming the last Investiture, by Dates, and Dates of Registration], and that the said A.B. is eldest Son and nearest lawful Heir of the said C.D. [or, whatever Relationship and Character of Heir the Party holds, here state it,] in the said Lands and others, and that the said Lands and others are holden of Us and Our Royal Successors [here state the Tenure, Blench Feu or other], for Payment [here state the Reddendo from the last Charter]; therefore We desire any Notary Public to whom these Presents may be presented to give to the said A.B., as Heir foresaid, Sasine of the Lands and others before described [if there are Conditions of Entail, &c. or other Burdens or Qualifications, here add, but always with and under the Conditions, Provisions, and Clauses prohibitory, irritant, and resolutive, or with and under the Burdens or Qualifications, as the Case may be, above specified or referred to, as the Case may be]. Given at Edinburgh, the Day of

Signed by the Director of Chancery, or his Depute or Substitute.

Note to Schedule (B.)—When the Precept is to be granted by or on behalf of the Prince and Steward of Scotland it will be in similar Form, but will run in Name of the Prince, and Steward of Scotland, without adding his Highness's other Titles, or will run in Name of Her Majesty as his Administrator; and the Lands, instead of being described as holding of the Crown, will be described as holding of the Prince and Steward of Scotland.

SCHEDULE (C.)

No. 1.

Form of Crown Charter of Resignation.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: We do hereby give, grant, and dispose, and for ever confirm, to A.B. and his Heirs and Assignees whomsoever (a), heritably and irredeemably, all and whole [here insert the Lands or other Heritages (b)], which Lands and others above written formerly belonged to C.D., holden by him immediately of the Crown, in Terms of [here state briefly the Titles of the last Vassal, whether a Precept and Sasine or Charter and Sasine, and so forth], and have been resigned by him into our hands by virtue of a Procuratory of Resignation contained in a Disposition of the said Lands and others granted by him in favour of the said A.B., dated [here insert the Date], to be holden, the said Lands and others, of the Crown, in Free Blench Farm (c) [or "in Feu Farm"] for ever, paying therefore a Penny Scots yearly of Blench Duty, if asked only [or if held in Feu, here specify the Feu Duty and other Services]. Moreover, We desire any Notary Public to whom this Charter may be presented, to give to the said A.B. or his foresaids Sasine of the Lands and others above described. In witness whereof We have ordered the Seal now used for the Great Seal of Scotland to be appended hereto of this Date and the same is accordingly appended at Edinburgh the Day of [state the Day, Month, and Year].

(a) Or in case there be a Substitution of Heirs, here insert it at full Length.

(b) In case there be any Conditions of Entail, or any Real Burdens, Restrictions, or Qualifications of any Kind, proper to be inserted or referred to, insert them here, immediately after the Description of the Lands, &c., or refer to them stating Date and Date of Registration, as at length set forth in the Deed of Entail as recorded in the Register of Tailzies, or in some previous Instrument of Sasine, or of Resignation ad remanentiam, duly registered.

(c) If the Lands were held formerly in Ward, say here, "in Free Blench as in room of Ward," and in the Reddendo say, "a Penny Scots yearly, as in room of the Ward Duties."

No. 2.

First Form of Crown Charter of Confirmation.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: We do hereby confirm for ever, to and in favour of *A.B.* and his Heirs and Assignees whomsoever (a), a Disposition granted by *C.D.* to the said *A.B.*, and dated the _____ Day of _____ whereby the said *C.D.* disposed to the said *A.B.* and his foreaids, heritably and irredeemably, all and whole [here describe the Lands or other Heritages at length (b)], which Disposition contains an Obligation to infest a mevel de me, and a Precept of Sasine, as also an Instrument of Sasine in favour of the said *A.B.* following on the said Disposition, and recorded in the [here describe the Register in which the Instrument is recorded] on the _____ Day of _____ [if there are more Documents than Two to be confirmed, here describe them consecutively, and, for the sake of Distinctness, the Description of each Document confirmed may be preceded with a Number, First, Second, &c.], or of whatever other Dates and Tenor the said several Writs may be, to be holden, the said Lands and others, of the Crown, in Free Blench (c) [or in Feu Farm] for ever paying therefor a Penny Scots yearly of Blench-Duty, if naked only [or if held in Feu Farm specify the Feu Duty and other Payments and Services]. In witness whereof we have ordered the Seal now used for the Great Seal of Scotland to be appended hereto of this Date, and the same is accordingly appended at Edinburgh, the _____ Day of _____ [state the Day, Month, and Year].

(a) In case there be a Substitution of Heirs, here insert it at full Length.

(b) In case there be any Conditions of Entail, Real Burdens, Restrictions, or Qualifications of any Kind, either proper to be inserted or referred to, insert them here, immediately after the Description of the Lands, &c., or refer to them as above No. (1.)

(c) If the Lands were held formerly in Ward, say here, "in Free Blench, as in room of Ward."

No. 3.

Second Form of Crown Charter of Confirmation.

VICTORIA, by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith: We do hereby confirm for ever, to and in favour of *A.B.* and his Heirs and Assignees whomsoever, heritably and irredeemably (a), all and whole [here insert the Lands or other Heritages to be confirmed] (b), and the following Deeds and Instruments [or other Writings], in so far as they relate to the Lands and others hereby confirmed [here describe the Deeds, Instruments, or other Writings to be specially confirmed], or of whatever other Dates and Tenor the said several Writs may be, to be holden, the said Lands and others, of the Crown, in Free Blench (c) [or "in Feu Farm" for ever, paying therefor a penny Scots yearly of Blench Duty, if asked only [or if held in Feu Farm, specify the Feu Duty and other Payments and Services]. In witness whereof, We have ordered the Seal now used for the Great Seal of Scotland to be appended hereto of this Date, and the same is accordingly appended at Edinburgh the _____ Day of _____ [state the Month and Year].

(a) Or in case there be a Substitution of Heirs, here insert it at full Length.

(b) In case there be any Real Burdens, Restrictions, or Qualifications of any Kind, either proper to be inserted or referred to, insert them here immediately after the Description of the Lands, &c., or refer to them as above (No. 1.)

(c) If the Lands were held formerly in Ward, say here "in Free Blench, as in room of Ward." If the party prefer it, he may insert the Tenendas at full Length from the last Crown Charter or Retour.)

General Note to Schedule (C).—When the Charters Nos. 1, 2, and 3. are to be granted by or on behalf of the Prince and Steward of Scotland, they will be in similar Form, but will run in Name of the "Prince and Steward of Scotland," without adding his Highness's other Titles, or will run in Name of Her Majesty, as his Administrator in Law, and the Lands, instead of being described as holding of the Crown, will be described as holding of the "Prince and Steward of Scotland," and the Seal referred to in the Testing Clause will be the Prince's Seal.

CAP. LII.

AN ACT for the Correction of certain Abuses which have frequently prevailed at the Elections of Representative Peers for Scotland.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. At future elections for Scotch peers certain titles not to be called by the Lord Clerk Register, nor oaths to be administered, until otherwise directed by the House of Lords.
2. If claim to vote be disallowed by the House of Lords, title of peerage not to be called over at any future election, if so ordered.
3. If at any meeting of peers a protest be made against any claim to vote, Lord Clerk Register to transmit a copy of proceedings to the House of Lords, &c.
4. Any peer or peeress having established their claim, and signified the same to the Lord Clerk Register, the vote of no other claimant to be admitted.
5. Nothing herein to affect the right of present or future claimants.

By this Act,

After reciting that by an Act of the Parliament of Scotland, intituled 'An Act settling the Manner of electing the Sixteen Peers and Forty-five Commoners to represent Scotland in the Parliament of Great Britain,' certain Provisions were made for electing the said sixteen peers to represent the peerage of Scotland: And that by 6 Ann. c. 23. further provisions were made for the electing of the said sixteen peers: And that an authentic list of the peerage of the north part of Great Britain called Scotland, as it stood the 1st of May 1707, was returned to the House of Lords by the Lord Clerk Register for Scotland, attested by him, pursuant to an order of the House of Lords, the 22nd of December 1707, and entered into the Roll of Peers by order of the House of Lords on the 12th of February 1708, to which list sundry peerages of Scotland have since been added by order of the House of Lords at different times, which list of the said peerage is called at the election of a peer or peers to represent the peerage of Scotland in the Parliament of the United Kingdom of Great Britain and Ireland: And that divers of the peerages of Scotland have from time to time become dormant or extinct, and frequent abuses have prevailed by persons assuming peerages that have become dormant or extinct, and voting in respect thereof at such elections, to which peerages such persons had no right; and it is expedient in order to prevent such abuses to provide that no person shall be allowed to vote at such elections in right of any peerage now standing on the said roll which has been for some time dormant until his claim thereto shall have been admitted by the House of Lords, and to make further rules and regulations in regard to the proceedings at such elections:—

It is Enacted,

I. That at all future meetings of the peers of Scotland assembled under any royal proclamation for the election of a peer or peers to represent the peerage of Scotland in Parliament the Lord Clerk Register, or the clerks of session officiating thereat in his name, shall not call the titles of any peerages now standing on the said roll, in right of which no vote shall have been received and counted since the year 1800, nor shall it be lawful for the said Lord Clerk Register or clerks of session to administer the oaths to any person claiming to vote in right of any of the before-mentioned peerages, or to receive and count the vote of any such person, or to permit any such person to take part in the proceedings of any such election, until otherwise directed by order of the House of Lords.

II. That if any vote or claim to vote in respect of any title of peerage on the roll called over at any such meeting shall be disallowed by the said House, upon any proceeding had in trial of any contested election, the House of Lords may, if they shall think fit, order that such title of peerage shall not be called over at any future election; and in the event of such order being made by the said House it shall not be lawful for the said Lord Clerk Register or clerk of session to call over the said title at any future election, or to administer the oaths to any person claiming to vote in respect of such title of peerage, or to receive or count the vote of any such person, or permit such person to take part in the proceedings of any such election, until such claimant or some other person shall have in due course established his right to such peerage.

III. That if at any such meeting, any person shall vote or claim to appear or to vote in respect of any title of peerage on the roll called over at such meeting, and a protest against such vote or claim shall be made by any two or more peers present whose votes shall be received and counted, the said Lord Clerk Register or clerks of session shall forthwith transmit to the clerk of the Parliaments a certified copy of the whole proceedings at such meeting; and the House of Lords, whether there shall be any case of contested election or not, may, in such manner, and with such notice to such parties, including the person so voting or claiming to appear or to vote in respect of such title of peerage and the persons protesting, as the said House shall think fit, inquire into the matter raised by such protest, and, if they shall see cause, order the person whose vote or claim has been so protested against, to establish the same before the said House; and if such party shall not appear, or shall fail to establish his claim, the said House may, if they shall think fit, order as is hereinbefore provided in respect to votes disallowed upon any proceeding had in trial of any contested election.

IV. That whenever any peer or peeress shall have established his or her right to any peerage, or his right to vote in respect of any peerage, and the same shall have been notified to the Lord Clerk Register by order of the House of Lords, the said Lord Clerk Register or clerks of session shall not during the life of such peer or peeress allow any other person claiming to be entitled to the same peerage to take part in any such election, nor shall it be lawful for the said Lord Clerk Register or clerks of session to receive and count the vote of any such other person till otherwise directed by the House of Lords.

V. Provided and enacted, That nothing in this Act contained shall affect the right of any person claiming or who may hereafter claim any peerage, or shall prevent the right of any person voting or claiming to vote or having voted or claimed to vote at any election, being subject and liable to every objection to which the same would have been subject and liable before the passing of this Act.

CAP. LIII.

AN ACT to continue until the First Day of *October* One thousand eight hundred and forty-eight and to the End of the then next Session of Parliament, an Act to amend the Laws relating to Loan Societies.

(25th June 1847.)

By this Act, 3 & 4 Vict. c. 110. is further continued to the 1st of October 1848, and to the end of the then next session of Parliament.

CAP. LIV.

AN ACT to amend the Acts for rendering effective the Service of the *Chelsea* and *Greenwich* Out Pensioners.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Provisions of 5 & 6 Vict. c. 70, 6 & 7 Vict. c. 95, and 9 & 10 Vict. cc. 9. & 10. to apply to all out-pensioners of Chelsea and Greenwich Hospitals who may reside in the Colonies, &c.—Only such Greenwich pensioners as have served in the marines liable.—Her Majesty may by warrant fix the number of men to be inrolled.*
2. *Persons registered for prospective Pensions liable to be inrolled, whether residing in the United Kingdom or the colonies.*
3. *Secretary of State, &c. empowered to issue warrants calling out pensioners or persons inrolled, &c. for a limited period.—Inrolled persons called out only by authority of a magistrate, &c., to be employed for twelve days only, unless in certain cases.*
4. *In case of actual invasion or riot, pensioners may be sent to any part of the United Kingdom.*
5. *Act may be amended, &c.*

By this Act,

After reciting that the provisions of the several Acts now in force for the payment and inrolment of the *Chelsea* and *Greenwich* out-pensioners have been found beneficial, and it is expedient to extend them to Her Majesty's colonies and possessions beyond the seas:—

It is Enacted,

I. That the provisions of an Act, 5 & 6 Vict. c. 70, intituled 'An Act to amend the Laws relating to the Payment of Out-Pensioners of *Chelsea* Hospital,' shall extend to all Her Majesty's colonies and possessions beyond the seas, and the provisions of an Act, 6 & 7 Vict. c. 95, intituled 'An Act for rendering more effective the Services of such Out-Pensioners of *Chelsea* Hospital as shall be called out to assist in preserving the Public Peace,' and of two Acts, 9 & 10 Vict. cc. 9. & 10, severally intituled 'An Act for amending the Act for rendering effective the Services of the *Chelsea* Out-Pensioners and extending it to the Out-Pensioners of *Greenwich* Hospital,' and 'An Act for regulating the Payment of the Out-Pensioners of *Greenwich* and *Chelsea* Hospitals,' and of this Act, shall apply to all out-pensioners of *Chelsea* and *Greenwich* Hospitals now residing or who may hereafter reside in any of Her Majesty's colonies and possessions beyond the seas in which any officers shall have been or may be appointed pursuant to the said Act of the sixth year of the reign of Her Majesty, for the payment and superintendence of the said out-pensioners: Provided always, that only such of the *Greenwich* pensioners as may have served in the royal marines shall be liable to serve as inrolled pensioners; and that it shall be lawful for Her Majesty, from time to time, by warrant under the royal sign manual, to fix the number of men to be inrolled in every such colony and possession as a local force for the preservation of the peace in such colony or possession or in any district thereof, and to cause them to be armed and equipped, and called out for inspection or exercise, on such number of days, not exceeding twelve in each year, as the governor or person administering the government of such colony or possession for the time being shall direct, under the same penalties for non-attendance and other offences as are provided by the said Acts or any of them; and the number of men inrolled in any such colony or possession shall not be counted in the number of men authorized to be inrolled in the United Kingdom of Great Britain and Ireland under the said Acts or any of them.

II. That all persons whose claims for prospective or deferred pension shall have been registered in virtue of any warrant or warrants made or to be made by Her Majesty, or by the Lords Commissioners of the Admiralty, shall be liable to be inrolled with and as part of the local force for the preservation of the peace under the authority of the Acts before recited, whether resident in the United Kingdom or in any of Her Majesty's colonies and possessions beyond the seas.

And after reciting that by the Act hereinbefore secondly recited it is provided, that one of Her Majesty's principal Secretaries of State, or in case of emergency, any person or persons bearing the warrant of the Secretary of State for that purpose, may call out the said inrolled pensioners in aid of the civil power, for preservation of the public peace, as by the said Act is directed, and by the Act hereinbefore thirdly recited similar powers were conferred on the Lord Lieutenant of Ireland as regards the inrolled pensioners in that country; but such warrant, if applied for and issued after the emergency has arisen, cannot in many cases be obtained in time to meet such emergency, and it is therefore expedient to give further facilities in that behalf:—

It is Enacted,

III. That it shall be lawful for one of Her Majesty's principal Secretaries of State, or in Ireland for the Lord Lieutenant or other chief governor of Ireland, and in Her Majesty's colonies and possessions beyond the seas for the governor or other person administering the government of such colony or possession, to issue his warrant to the lord lieutenant of any county, or the mayor or other chief magistrate of any town or district, wherein such pensioners and persons having claims to prospective or deferred pensions are inrolled, authorizing him, in case of emergency, or anticipated emergency, whereby the public peace may be endangered, or on the requisition of any officer commanding Her Majesty's forces within such town or district, to call out the whole or such part of the persons so inrolled as he may consider necessary, for any term not exceeding twelve days, during which time they shall be liable to the provisions of the Mutiny Act and Articles of War, in the same manner in all respects as is provided in the first-mentioned Act; but no such inrolled person who shall be called out only by the authority of any such lord lieutenant of a county, mayor, or magistrate, for the preservation of the public peace, shall be employed on such duty for more than twelve

days, unless by a warrant from one of Her Majesty's principal Secretaries of State, or in Ireland from the Lord Lieutenant or Chief Governor of Ireland, or in any of Her Majesty's colonies and possessions beyond the seas from the governor or person administering the government, in case of their being employed in aid of the civil power, or by warrant of Her Majesty in case of their volunteering to serve in any of Her Majesty's forts, towns, and garrisons, as provided in the said Act.

rv. That in case of actual or apprehended invasion or riot it shall be lawful for Her Majesty by any proclamation to direct that the said enrolled pensioners, or such of them as Her Majesty shall think fit, may be sent, in aid of the defence of the realm, or for the suppression of riot and preservation of the peace, to any part of the United Kingdom of Great Britain and Ireland where their services may be required, and during the time for which their services shall be so required they shall be subject to all the provisions of any Act then in force for the punishment of mutiny and desertion, and for the better payment of the Army and their quarters.

v. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LV.—IRELAND.

AN ACT to authorize a further Advance of Money for the Relief of destitute Persons in *Ireland*.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Treasury may cause a temporary advance to be made to Relief Commissioners acting in execution of recited Act.*
2. *Extending provisions of recited Act to this Act.*

By this Act,

After reciting the passing of 10 & 11 Vict. c. 7, and that it is necessary to authorize a further advance of money for the relief of the destitute poor in Ireland, in addition to the sum advanced by virtue of the said Act:—

It is Enacted,

i. That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, to cause to be issued as a temporary advance from time to time, at any time before the 1st of October in this year, as they may find necessary, out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any sum or sums of money not exceeding 600,000*l.*, by way of imprest, to the Relief Commissioners acting in execution of the said recited Act, to be by them applied for the purposes specified in the said Act, by way of loan on the security of the rates made or to be made in pursuance thereof, or of an Act, 1 & 2 Vict. c. 56, intituled 'An Act for the more effectual Relief of the destitute Poor in Ireland;' and all such sums of money shall be repaid to the said Consolidated Fund by the said Relief Commissioners, in such manner as the Commissioners of Her Majesty's Treasury may direct, from and out of the rates to be levied in the union on behalf of which such loan shall have been made.

ii. That all the clauses, provisions, matters, and things contained in the said recited Act shall be applied and extended to this Act, and to the sum hereby authorized to be advanced, in such and the like manner as if the said clauses, provisions, matters, and things had been repeated and re-enacted in this Act.

CAP. LVI.

AN ACT to make legal the Collection of certain Duties at *Port Natal*.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Duties levied under certain proclamations legalized.*
2. *Indemnity to persons acting under such proclamations.*

By this Act,

After reciting that under and by virtue of certain proclamations issued by the Governor and Commander-in-Chief for the time being of Her Majesty's Castle, Town, and Settlement of the Cape of Good Hope in South Africa, and the territories and

dependencies thereof, certain duties of Customs were imposed and charged upon various goods, wares, and merchandises imported and brought into Port Natal in South Africa aforesaid, and also a certain duty of 3s. per ton upon vessels entering the said port: And that doubts have arisen as to the sufficient legal authority of such proclamations for imposing of the said duties:—

It is Enacted,

1. That the various duties so imposed and charged are hereby declared to have been due and payable.
11. That the Governor for the time being of the said castle, town, and settlement, and its dependencies, and the respective collectors and other officers of the Customs in the same, and all persons whatever acting or having acted under their orders and directions, shall be and are hereby indemnified for having caused such duties to be levied.

CAP. LVII.

AN ACT to amend an Act passed in the Sixth Year of the Reign of His Majesty King George the Fourth, for granting certain Powers and Authorities to the *Van Diemen's Land Company*.

(25th June 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Letters patent, dated the 10th of November 1825, incorporating the Van Diemen's Land Company.*
2. *Her Majesty, by warrant under the sign manual, may grant lands to the company, freed and discharged from quit rents, &c. in the charter expressed.*
3. *Power to the company, at any special general meeting, to reduce the number of directors.*
4. *Public Act.*
5. *Act may be amended, &c.*

By this Act,

After reciting that by 6 Geo. 4. c. 39, it was amongst other things enacted, that in case His Majesty should, within three years after the passing of the said Act, be pleased by charter under the Great Seal of Great Britain to declare and grant that such and so many persons as should be named therein, and all and every such other persons and person as should from time to time be admitted members into their corporation, should be a body politic and corporate by the name of "The Van Diemen's Land Company," and to declare that the said corporation so to be made and created should be established for the purpose of cultivating waste lands in the said island of Van Diemen's Land, and in any islands or territories which might at any future time be made dependent thereupon, and for such other lawful purposes as to His Majesty might seem meet, then and in that case it should and might be lawful for the said corporation to hold to them and their successors such lands, tenements, and hereditaments within the said island of Van Diemen's Land, and such dependencies thereof as aforesaid, as should or might be granted by His Majesty to them and their successors within the said island or its dependencies, or as should be contracted for and purchased or acquired by them therein, and to hold, alienate, sell, exchange, and dispose of all such lands, tenements, and hereditaments upon, under, and subject to such conditions, provisos, limitations, and restrictions as His Majesty by such his charter might impose, direct, or prescribe: And that in pursuance of the said Act, his said Majesty was pleased, by his letters patent or charter, under the Great Seal of Great Britain, dated at Westminster, the 10th of November 1825, to grant and declare that certain persons therein named, and all and every such other persons and person as from time to time should be admitted members into their corporation, should be a body politic and corporate, in name and in deed, by the name of "The Van Diemen's Land Company," and should by that name have perpetual succession and a common seal, with power to break or alter such seal, and by that name should and might sue and be sued, plead and be impleaded at law or in equity; and it was thereby further declared, that such lands, tenements, and hereditaments within the said island of Van Diemen's Land, and its dependencies aforesaid, as should or might be granted by His Majesty, his heirs or successors, to the said company and their successors should by them be held, alienated, sold, exchanged, and disposed of, upon, under, and subject to such conditions, provisos, limitations, and restrictions as thereafter mentioned: (that is to say,) firstly, that all grants of land in the said island of Van Diemen's Land, or its dependencies aforesaid, which might be made to the said company by His Majesty, his heirs or successors, should be passed under the Great Seal of the said island and its dependencies, in pursuance of warrants under the royal sign manual of His Majesty, his heirs or successors; secondly, that for and in respect of all such lands within the said island, or its dependencies aforesaid, as might be granted by His Majesty, his heirs or successors, to the said company in fee simple, to be holden by them in free and common socage, there should be reserved and paid and payable to His Majesty, his heirs and successors, an annual quit rent, which should amount to the sum of 30s. and no more, for each and every parcel of the said lands of 100l. sterling; thirdly, that no quit rents should accrue due or be payable by the said company for or in respect of any such lands as aforesaid during the term of five years, to be computed from the date of any grant in and by which such lands might be so granted; fourthly, that upon giving six months' notice in writing, under their common seal, to the governor, lieutenant governor, or other person administering the government of the said island and its dependencies, it should be lawful for the said company to redeem the quit rents, or any part thereof, upon payment into the treasury of the said island and its dependencies, in British sterling money, of a capital

sum equal to twenty times the amount of the rent so to be redeemed; provided always, that the redemption of any portion of the said quit rents should not exonerate or discharge any part of the said lands so to be granted to the said company from the payment of the whole or any part of the quit rents remaining unredeemed; fifthly, that the said company should employ upon the lands so to be granted to them such a number of convicts as should at the least be equal to the number of free labourers employed thereupon, if the governor, lieutenant governor, or other person administering the government for the time being of the said island and its dependencies should be able and willing to supply a sufficient number of convicts for that purpose; sixthly, that the said company should at their own expense employ fit and proper persons, not being or having been convicts, to act as superintendents of the convicts so to be employed by them, in the proportion at least of one such superintendent to every 50 convicts; seventhly, that no land granted to the said company by His Majesty, his heirs or successors, should by the said company be granted, bargained, sold, conveyed, demised, or alienated for or during a period of five years, to be computed from the date of the grant from His Majesty, his heirs or successors, in which any such lands might be comprised; and if any such grant, bargain, sale, conveyance, demise, or alienation should during any such period as aforesaid be made or executed, the lands therein comprised should be and become absolutely forfeited to and vested in His Majesty, his heirs or successors; eighthly, that the said lands to be granted to the said company by His Majesty, his heirs or successors, should be held by them in mortmain, and be absolutely inalienable by them, except upon the terms and conditions following; (that is to say,) that it should be lawful for the governor, lieutenant governor, or other person administering the government of the said island and its dependencies, and the executive council thereof, and they were thereby required, upon application to them for that purpose made by the said company, to direct the surveyor general or deputy surveyor general for the time being for the said island and its dependencies, to inquire and report whether the sum of 2,500*l.* sterling had been laid out and expended by the said company in the formation of roads, the erection of buildings, the cultivation, clearing, fencing, draining, or other improvements of any such lands; and if the said surveyor general or deputy surveyor general should report to the said governor, lieutenant governor or other person administering the government of the said island, and the said executive council thereof, that the sum of 2,500*l.* sterling had been so expended, it should be and become competent to the said company, without licence from His Majesty, his heirs or successors, to alienate and convey in fee simple, but subject to the quit rents aforesaid, any part or parts of the lands so granted to them, not exceeding 12,500 acres in the whole; and such and the same proceedings should from time to time take place upon each successive application of the said company for the purpose aforesaid to the said governor, lieutenant governor, or other person administering the government of the said island and its dependencies, and the said executive council thereof; and upon each successive report so made as aforesaid of the further expenditure upon any such lands of any further sum of 2,500*l.* sterling as aforesaid, the said company should be and become competent to alienate 12,500 acres, or any smaller quantity, of the lands to be granted to them, until one moiety or equal half part of such lands should, in manner aforesaid, become alienable; provided always, that every such report as aforesaid should be inrolled in the Supreme Court of Van Diemen's Land; provided also, that it should be lawful for the said company to alienate any of the lands to be granted to them as aforesaid, upon obtaining a special licence for that purpose from His Majesty, his heirs or successors, through one of his or their principal Secretaries of State; provided further, that every grant or conveyance of lands to be made by the company should be absolutely null and void unless the same should expressly refer to and particularize the surveyor general's or deputy surveyor general's report, or the licence from His Majesty, his heirs or successors, as the case might be, under the authority of which the same might be so granted or conveyed; provided nevertheless, that nothing therein contained should extend to or prevent any demise of any such lands made by the said company for any term not exceeding twenty-one years, without any covenant of renewal, so as that not more than one moiety of the lands so to be granted as aforesaid be demised within twenty years next succeeding the date of any such grant; ninthly, that the quit rents to accrue due upon any lands to be granted to the said company by His Majesty, his heirs or successors, for and during the term of five years, to commence and be computed from and after the expiration of the first five years next following the date of any such grant, should not be actually collected and received until the expiration of such second term of five years, and that at that time all quit rents then due and in arrear by the said company should be remitted if 150 convicts should have been regularly employed and maintained by the said company for and during the greater part of such second term of five years; tenthly, that the said quit rents to accrue due for and during the further term of five years, to commence and be computed from and after the expiration of the second term of five years next following the date of any such grant should not be actually collected and received until the expiration of such third term of five years, and that at that time all quit rents accrued due and then in arrear by the said company in respect of such third term of five years should be remitted, if 250 convicts should have been regularly employed and maintained by the said company for and during the greater part of the said third term of five years; eleventhly, that the said quit rents to accrue due for and during the further term of five years, to commence and be computed from and after the expiration of the said third term of five years next following the date of any such grant, should not be actually collected until the expiration of the fourth term of five years, and at that time all quit rents accrued due and then in arrear by the said company in respect of the said fourth term of five years should be remitted if 350 convicts should have been regularly employed and maintained by the said company for and during the greater part of such fourth term of five years; twelfthly, that if at any time within twenty years next after the date of any such grant it should be made to appear to the satisfaction of His Majesty, his heirs or successors, or of the governor, lieutenant governor, or other person administering the government for the time being of the said island and its dependencies, that the said company had by the employment of convicts exonerated the Treasury from a charge equal in the whole to the sum of 25,000*l.* sterling, then the lands which might by His Majesty, his heirs or successors, have been granted to the said company, should be for ever discharged of and from the quit rents thereafter to accrue due in respect thereof, and in calculating the amount of the sums from which the said Treasury had been so exonerated it should be assumed and taken that the said Treasury had been saved the sum of 16*l.* sterling for each and every convict who should appear to have been maintained during one whole year by the said company, and in such proportion for a lesser term than one year that each and every convict should have been so maintained by the said company; and it was further declared that in any grants to be made by His Majesty, his heirs or successors, to the said company of any lands situate in the said island of Van Diemen's Land or its dependencies, all necessary covenants should be made and entered into by the said company for insuring the due observance and performance on their part of the several covenants, provisions, and restrictions aforesaid: And that by divers instructions which have issued from time to time by order of His said Majesty King George the Fourth and of His late Majesty King William the Fourth to the governor, lieutenant governor, or other person adminis-

tering the government of the said island of Van Diemen's Land and its dependencies, the said company have been authorized to take possession of several portions of land and other hereditaments situate in the said island and its dependencies, and have, with the assent of the governor, lieutenant governor, or other person administering the government for the time being of the said island and its dependencies, entered into and taken possession of the said lands and hereditaments, and the said company have ever since been and now continue in the possession thereof, but no grant thereof has been made to the said company: And that the said company have from time to time employed and maintained upon the said lands very large numbers of convicts, and the company have by such employment and maintenance of convicts as aforesaid exonerated Her Majesty's Treasury from a charge exceeding in the whole sum of 15,000*l.* sterling, and the said company have also laid out large sums of money in the improvement of divers parts of the said lands and hereditaments: And that the said company have, by the means aforesaid and otherwise, substantially fulfilled the material conditions contained in the said letters patent or charter on their part to be observed and performed, and by reason of the lapse of time and the alteration of circumstances others of the said conditions have become immaterial, and it is just and expedient that Her Majesty should be authorized, if she should so please, to grant to the said company lands and hereditaments in the said island and its dependencies, freed from the quit rents and the other restrictions and conditions in the said letters patent or charter contained, and that other powers should be granted to the said company; but the same cannot be effected without the authority of Parliament:—

It is Enacted,

I. That it shall be lawful for Her said Majesty, her heirs or successors, from time to times and at all times hereafter, by warrant under the royal sign manual, to authorize and empower the governor, lieutenant governor, or other person for the time being administering the government of the said island of Van Diemen's Land and its dependencies, to execute a deed or deeds, under the great seal of the said island and its dependencies, granting to the said company any lands, tenements, and hereditaments in the said island and its dependencies, freed and for ever discharged of and from the quit rents, conditions, provisos, limitations, and restrictions in the said letters patent or charter expressed and hereinbefore recited, or such of them, or such parts thereof, as Her Majesty, her heirs or successors, shall in and by the said grant or warrant or grants or warrants direct; and it shall be lawful for the said company to hold, alienate, sell, and dispose of all or any part or parts of the said lands so to be granted, subject only to such conditions and restrictions, if any, as shall be stipulated in and by the grant or grants thereof to the said company, and to hold, alienate, sell, and dispose of all lands purchased or to be purchased by the said company, freed from the conditions and restrictions imposed by the said letters patent or charter.

And after reciting that it was by the said letters patent or charter declared, that the two persons therein named should be the governor and deputy governor of the said company, and that such two persons, together with eighteen other persons therein named, should be the first directors of the said company, and that after the period therein named, six of the said eighteen directors, or their successors, should go out of office annually, and their places be from time to time supplied: And that it is expedient that power should be given to the said company to reduce the said number of directors:—

It is Enacted,

II. That it shall be lawful for the said company from time to time, at any special general meeting, to resolve and declare that at a time or times to be fixed at such meeting or meetings the number of the directors of the said company shall be reduced to any number they may think proper, not being less than nine exclusive of the said governor and deputy governor, and to fix the mode in which such reduction shall take place, and thereupon at the time or times fixed at such meeting or meetings the number of the said directors shall be reduced accordingly; and after any such reduction shall have taken place, the number of directors to go out of office as aforesaid shall be one third of the whole number of directors, exclusive of the said governor and deputy governor, instead of the said number of six directors as aforesaid.

III. That this Act shall be deemed and taken to be a public Act, and shall extend to and be in force in the said island of Van Diemen's Land and its dependencies, and shall be judicially taken notice of as such.

IV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. LVIII.

AN ACT to remove Doubts as to Quakers and Jews Marriages solemnized before certain Periods.

(2nd July 1847.)

ABSTRACT OF THE ENACTMENT.

Marriages of Quakers and Jews solemnized before certain dates declared valid.

By this Act,

After reciting that doubts have been entertained as to the validity of marriages amongst the people called Quakers and amongst persons professing the Jewish religion, solemnized in England before the 1st of July 1837, or in Ireland before the

1st of April 1845, according to the usages of those denominations respectively: And that it is expedient to put an end to such doubts;—

It is Enacted,

That all marriages so solemnized as aforesaid were and are good in law to all intents and purposes whatsoever, provided that the parties to such marriages were both Quakers, or both persons professing the Jewish religion respectively.

CAP. LIX.

AN ACT for amending an Act, intituled *An Act for amending, explaining, and reducing into One Act of Parliament the Laws relating to the Government of His Majesty's Ships, Vessels, and Forces by Sea.*

(2nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Courts-martial to have a discretionary power in awarding sentence in all cases except murder.*
2. *Court-martial may take cognizance of manslaughter.*
3. *Oath to be administered to members of courts-martial.—Oath to be administered to Judge-advocate.*
4. *When Act is to take effect.*
5. *Act may be amended, &c.*

By this Act,

After reciting that by 22 Geo. 2. c. 33. courts-martial holden and appointed by virtue of that Act are, in certain cases, authorized and required to pronounce judgment of death; and it is expedient that in all cases (except murder and buggery or sodomy with man or beast), such courts-martial shall be authorized to abstain from pronouncing judgment of death, if such courts-martial shall think fit, and to impose such other punishment as the nature and degree of the offence shall be found to deserve;—

It is Enacted,

1. That it shall and may be lawful for any such court-martial, holden and appointed as aforesaid, either to pronounce judgment of death in all cases in which by law such court is now authorized or required so to do, or, if such Court shall so think fit in all such cases (except murder and buggery or sodomy with man or beast) to impose such other punishment as the nature and degree of the offence shall be found to deserve.

11. That it shall be lawful for any such court-martial, holden and appointed as aforesaid, to try any person, who at the time of the offence committed shall be in actual service and full pay in the fleet or ships of war of Her Majesty, for manslaughter, whether committed within the jurisdiction of the Admiralty or out of any part of Her Majesty's dominions on shore, and to impose upon every such person, so convicted of manslaughter by the sentence of such court, such punishment other than death as the degree of the offence shall be found to deserve.

111. That upon all trials of offenders by any court-martial, holden and appointed as aforesaid, all the officers present who are to constitute such court shall, before they proceed to such trial, take the oath hereinafter mentioned before the Court instead of the oath appointed by the said Act, which oath the Judge Advocate or his deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following; (that is to say,)

'I do swear, That I will duly administer justice, according to the laws in force for the government of Her Majesty's ships, vessels, and forces by sea, without partiality, favour, or affection; and if any case shall arise which is not particularly mentioned in any such laws, I will duly administer justice according to my conscience, the best of my understanding, and the custom of the navy in like cases; and I do further swear, that I will not on any account at any time whatsoever disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required in due course of law.

'So help me GOD.'

And so soon as the said oath shall have been administered to the respective members the president of the Court is hereby authorized and required to administer to the Judge Advocate or his deputy, or the person officiating as such, instead of the oath appointed by the said Act, an oath in the following words:—

'I do swear, That I will not upon any account at any time whatsoever disclose or discover the vote or opinion of any particular member of the court-martial, unless thereunto required in due course of law.

'So help me GOD.'

1v. That this Act shall take effect from the 1st of January 1848.

v. That this Act may be altered, amended, or repealed by any Act to be passed in this session of Parliament.

CAP. LX.

AN ACT to abolish One of the Offices of Master in Ordinary of the High Court of Chancery.

(2nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Recites 3 & 4 Will. 4. c. 94. appointing Masters and giving salaries, &c. to their clerks.—5 Vict. c. 5. abolishing Master of Exchequer and appointing Mr. Richards.—Resignation of Mr. Lynch.—One mastership abolished.*
2. *Chief and second clerks retained for period not exceeding twelve months.*
3. *Compensation to chief and second clerks.*
4. *Act may be amended, &c.*

By this Act,

After reciting that by 3 & 4 Will. 4. c. 94. it was enacted, that the appointment of all Masters in Ordinary of the High Court of Chancery should be vested in His Majesty, his heirs and successors, and that such Master should thereafter be appointed by letters patent under the Great Seal of Great Britain; and it was by the said Act also enacted, that the salaries to be paid to the chief and junior clerks of each of the said Masters should be 1,000*l.* a-year and 150*l.* a-year respectively, and that it should be lawful for the said junior clerks to receive and take 1*d.* per folio of ninety words for every copy of every document or writing made in the office of the said Master: And that by 5 Vict. c. 5. Richard Richards, Esquire, then one of the Masters of the Court of Exchequer, was appointed as an additional Master in Ordinary of the High Court of Chancery, and it was thereby enacted, that upon the death, resignation, or removal from office of the said Richard Richards it should be lawful for Her said Majesty from time to time by letters patent under the Great Seal to appoint a fit and proper person to supply such vacancy: And that Andrew Henry Lynch, Esquire, late one of the said Masters in Ordinary, did on the 25th of March now last past duly resign his said office, and the same thereby became and now is vacant: And that it is expedient that the number of the said Masters in Ordinary of the High Court of Chancery should be reduced to the same number as existed before the passing of the said last-mentioned Act:—

It is Enacted,

- I. That it shall be lawful for Her Majesty not to fill up the office so vacant by the resignation of the said Andrew Henry Lynch, but that the same shall be and the same is hereby abolished.
- II. That for the convenience of prosecuting the causes and matters referred to the said Andrew Henry Lynch, and now transferred to the other Masters in Ordinary, it shall be lawful for the Lord Chancellor, if he shall think fit, to retain George Barrett and Edward Wright, the late chief and second clerks of the said Andrew Henry Lynch, as chief and second clerks respectively, with all the duties, rights, privileges, and emoluments thereto belonging, as if a Master in Ordinary had been duly appointed to succeed the said Andrew Henry Lynch, but nevertheless for a time not exceeding twelve months from the passing of this Act: Provided always, that in the event of the death, resignation, or removal of the said George Barrett and Edward Wright, or either of them, before the expiration of the said twelve months, it shall be lawful for the Lord Chancellor, if he shall think fit, to appoint a successor to them or either of them during the time aforesaid.
- III. That it shall be lawful for the Lord Chancellor, with the consent of the Commissioners of Her Majesty's Treasury, to award such compensation (if any), and in such manner and upon such conditions, as he may think fit, to the said George Barrett and Edward Wright, or either of them, in consideration of the loss they or he may have sustained by the abolition of the said office of Master in Ordinary.
- IV. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. LXI.

AN ACT to amend the Act for the Establishment of Public Baths and Wash-houses.

(2nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Act and this Act to be construed as one.*
2. *Interpretation of expressions in recited Act and this Act.*
3. *Acts of Commissioners of Public Baths, &c. to be valid, notwithstanding informalities.*
4. *Incorporation of 8 & 9 Vict. c. 18.—Council, &c. not to take lands, &c.*
5. *Proportion of washing accommodation for labouring classes.*
6. *So much of recited Act as regulates charges for use of baths, &c. repealed.*
7. *Power to make charges for use of baths, &c. not exceeding those in the Schedule.*
8. *Act may be amended, &c.*

By this Act,

After reciting the passing of 9 & 10 Vict. c. 74, and that it is expedient to afford additional facilities for the establishment of public baths and wash-houses and open bathing-places,—

It is Enacted,

- I. That the recited Act, as amended by this Act, and this Act shall be construed and be carried into execution as one Act.
- II. That the following words and expressions in the recited Act shall have in the said Act and this Act the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)
 - “Parish” shall mean not only every place having separate overseers of the poor and separately maintaining its own poor, but also every place maintaining its own poor and having a vestry:
 - “Rate-payers” shall mean all persons for the time being assessed to and paying rates for the relief of the poor of the parish:
 - “Vestry” shall mean not only a vestry as defined in the said Act, but also any body of persons, by whatever name distinguished, acting by virtue of any Act of Parliament, prescription, custom, or otherwise as or instead of a vestry or select vestry.
- III. That when any person shall have been appointed to the office of Commissioners of Public Baths and Wash-houses for any parish before the passing of this Act, the recited Act shall be deemed to have been duly adopted for such parish notwithstanding that there may have been any defect or irregularity in or in any way concerning such adoption; and all acts and proceedings of any person in possession of the office of such Commissioner, and acting in good faith as such Commissioner, whether appointed before or after the passing of this Act, shall, notwithstanding his disqualification or want of qualification for or any defect or irregularity in or in any way concerning his appointment to such office, be as valid and effectual as if he were duly qualified or there had not been any such defect or irregularity.
- IV. That the Lands Clauses Consolidation Act, 1845, shall be incorporated with the recited Act and this Act: Provided always, that the Council and Commissioners respectively shall not purchase or take any lands otherwise than by agreement.
- V. That the number of washing tubs or troughs for the labouring classes in any building or buildings under the management of the same Council or Commissioners shall not be less than twice the number of the washing tubs or troughs of any higher class, if but one, or of all the higher classes if more than one, in the same building or buildings.
- VI. That so much of the recited Act as enacts that the Council and Commissioners respectively may make such reasonable charges for the use of the baths and wash-houses and open bathing-places as they think fit, not exceeding such charges as are mentioned in the Schedule (B.) to that Act, shall be repealed.
- VII. That the Council and the Commissioners respectively may from time to time make such reasonable charges for the use of the baths and wash-houses and open bathing-places provided under the recited Act and this Act respectively as they think fit, not exceeding the charges mentioned in the Schedule annexed to this Act.
- VIII. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULE to which this Act refers.

Charges for the Baths and Wash-houses and open Bathing-Places.

1. BATHS FOR THE LABOURING CLASSES.

Every Bath to be supplied with clean Water for every Person bathing alone, or for several Children bathing together, and in either Case with One clean Towel for every Bather.

For One Person above Eight Years old:—

| | |
|---|------------|
| Cold Bath, or cold Shower Bath, any Sum not exceeding | One Penny. |
| Warm Bath, or warm Shower Bath, or Vapour Bath, any Sum not exceeding | Two-pence. |

For several Children, not above Eight Years old, nor exceeding Four, bathing together:—

| | |
|---|-------------|
| Cold Bath, or cold Shower Bath, any Sum not exceeding | Two-pence. |
| Warm Bath, or warm Shower Bath, or Vapour Bath, any Sum not exceeding | Four-pence. |

2. BATHS OF ANY HIGHER CLASS.

Such Charges as the Council and the Commissioners respectively think fit, not exceeding in any Case Three Times the Charges above mentioned for the several Kinds of Baths for the Labouring Classes.

3. WASH-HOUSES FOR THE LABOURING CLASSES.

Every Wash-house to be supplied with Conveniences for washing and drying Clothes and other Articles.

For the Use by One Person of One Washing Tub or Trough, and of a Copper or Boiler (if any), or, where One of the Washing Tubs or Troughs shall be used as a Copper or Boiler, for the Use of One Pair of Washing Tubs or Troughs, and for the Use of the Conveniences for drying:—

| | |
|---|--------------|
| For One Hour only in any One Day, any Sum not exceeding | One Penny. |
| For Two Hours together, in any One Day, any Sum not exceeding | Three-pence. |

Any Time over the Hour or Two Hours respectively, if not exceeding Five Minutes, not to be reckoned.

For Two Hours not together, or for more than Two Hours in any One Day, such Charges as the Council and the Commissioners respectively think fit.

For the Use of the Washing Conveniences alone, or of the drying Conveniences alone, such Charges as the Council and the Commissioners respectively think fit, but not exceeding in either Case the Charges for the Use for the same Time of both the washing and the drying Conveniences.

4. WASH-HOUSES OF ANY HIGHER CLASS.

Such Charges as the Council and the Commissioners respectively shall think fit.

5. OPEN BATHING PLACES, where several Persons bathe in the same Water, for One Person, One Halfpenny.

CAP. LXII.

AN ACT for the Establishment of Naval Prisons, and for the Prevention of Desertion from Her Majesty's Navy.

(2nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *In cases where officers commanding ships are empowered to order courts-martial, they may inflict corporal punishment or imprisonment instead.—Order for imprisonment to be approved of by commander-in-chief.*
2. *Gaolers to receive and confine offenders.*
3. *Order for discharge or removal of prisoners.*
4. *Subsistence of prisoners.*
5. *Prisoners not to be entitled to pay or to reckon time while in confinement.*
6. *Admiralty may set apart buildings and ships as naval prisons, and appoint officers and make rules and regulations for the government of the same.*
7. *Offenders under sentence of courts-martial may be confined in naval prisons.*
8. *Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.*
9. *Apprehension of deserters.*
10. *Fraudulent confession of desertion.*
11. *Penalty for persuading persons to desert or absent themselves from duty.*
12. *Penalty as regard gaolers, &c.*
13. *Recovery and application of penalties.*
14. *Power to summon witnesses.*
15. *Form of conviction.*
16. *No certiorari, &c.*
17. *Act may be amended, &c.*

By this Act,

After reciting that by the laws and customs of Her Majesty's navy officers commanding Her Majesty's ships and vessels are empowered to order corporal punishment to be inflicted on men in Her Majesty's service for various offences, for the purpose of preserving and enforcing discipline, without the offenders being tried by court-martial: And that it is expedient that officers commanding Her Majesty's ships and vessels should have the power of inflicting summary punishment by imprisonment; and it is also expedient that the Lord High Admiral, and the Commissioners for executing the office of Lord High Admiral, shall have power to establish and regulate naval prisons, and that further provision shall be made for the apprehension of deserters, and for checking desertion from Her Majesty's navy:—

It is Enacted,

1. That in all cases in which officers commanding Her Majesty's ships and vessels are empowered to order corporal punishment without the offender being tried by court-martial it shall be lawful for such officers commanding any ship or vessel of Her Majesty within the limits of any port, if they think fit, and without the offender being tried by court-martial, to order such corporal punishment to be inflicted according to the laws and customs of Her Majesty's navy, or to order the offender to be imprisoned for any period not exceeding twenty-eight days, to be computed from the date of the order, in any place, ship, or vessel, either afloat or on shore, which the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, may at any time or times appoint for the purpose, and where no such place, ship, or vessel shall have been so appointed, in any public prison, gaol, or house of correction in Her Majesty's dominions, and such imprisonment may be with or without hard labour, and the offender shall be kept in solitary confinement for any portion of such imprisonment, not exceeding ten days in the whole, or not, as any such order shall direct; but any such order for imprisonment shall not have any force or effect until the same shall have been approved of by writing under the hand of the naval officer commanding at the port where the vessel to which the offender belongs may be.

11. That every governor, gaoler, or keeper of any public prison, gaol, or house of correction, and every officer having the charge or command of any place, ship, or vessel for imprisonment as aforesaid, shall receive into his custody any person so ordered to be imprisoned as aforesaid, upon delivery to him of an order in writing in that behalf from the officer commanding the ship or vessel to which the offender belongs, approved of as aforesaid, and which order shall specify the period of imprisonment which the prisoner is to undergo, and the day and hour of the day when he is to be released, and the prisoner shall be confined, with or without hard labour, and in solitary confinement or not, as such order shall direct.

III. That it shall be lawful for the said Lord High Admiral, and also for the said Commissioners, or for the said officer commanding in chief, or for the officer commanding the ship or vessel to which the prisoner belongs, to give at any period of any such imprisonment an order in writing directing that the prisoner may be discharged or be removed by the person having charge of him, or in naval custody, to some other prison or place of confinement, there to undergo the remainder of his imprisonment, or for the purpose of being brought before a court-martial either as a witness or for trial; and such prisoner shall on the production of such order be discharged or removed accordingly; and when any prisoner shall be removed by any governor, gaoler, or keeper in pursuance of any such order such governor, gaoler, or keeper shall be allowed for the charge of the removal and conveyance a sum not exceeding 1s. per mile; and every governor, gaoler, keeper, and officer having the charge or command of any prison, gaol, house of correction, place, ship, or vessel of imprisonment in which the prisoner is to undergo the remainder of his imprisonment shall, upon being furnished with a duplicate of the order of imprisonment, and of the order of removal, receive into his custody and confine the prisoner pursuant thereto.

IV. That the same amount shall be paid by the naval department to any governor, gaoler, or keeper towards the subsistence of any prisoner whatever confined under the provisions of this Act as is or may be payable towards the subsistence of prisoners confined under sentence of naval courts-martial.

V. That every person belonging to Her Majesty's navy who shall be summarily imprisoned under the provisions of this Act shall not be entitled to any pay or wages, or to reckon service for or towards pay, wages, or pension, for any period during which he shall be so imprisoned.

VI. That it shall be lawful for the Lord High Admiral, and also for the Commissioners for executing the office of Lord High Admiral or any two of them, if he or they think fit, to set apart any building or buildings, or ship or vessel, or ships or vessels, or any part or parts thereof, as naval prisons, and to declare that any building or buildings, or any ship or vessel, or ships or vessels, shall be, and thenceforth such building or buildings, ship or vessel, or ships or vessels shall be deemed and taken to be a naval prison and naval prisons, and every such naval prison shall be deemed to be a public prison within the meaning of this Act; and all and every the powers and authorities with respect to county gaols or houses of correction which now are or which may hereafter be vested in any of Her Majesty's principal Secretaries of State shall, with respect to all such naval prisons, belong to and may be exercised by the Lord High Admiral, and also by the Commissioners for executing the office of Lord High Admiral, or any two of them; and it shall be lawful for the Lord High Admiral, and also for the said Commissioners, or any two of them, at any time or times, and from time to time, to make, alter, and repeal rules and regulations for the government and superintendence of any such naval prison, and of the officers and servants thereof, and of offenders confined therein, and the same shall be observed and enforced within such prisons; and it shall be lawful for the Lord High Admiral, and also for the said Commissioners, or any two of them, from time to time to appoint inspectors and all other necessary officers and servants, for any such naval prison, and, as occasion may arise, to remove the inspectors, officers, or servants of any such naval prison; and the officer commanding in chief at any port or place or on any station where there may be any such naval prison, or such officer commanding in chief, and such other person and persons as the Lord High Admiral or the said Commissioners may from time to time appoint, shall be a visitor or visitors of such prison; and every inspector, visitor, or officer having the charge or command of any such naval prison respectively shall, subject to such rules and regulations as may from time to time be made as aforesaid, have and exercise in respect of such prison, and of the officers and servants thereof, and of the prisoners confined therein, all the powers and authorities, as well in respect of administering oaths as otherwise, which any inspector, visiting Justice, or governor of a county gaol or house of correction may respectively exercise as such.

VII. That it shall be lawful, when the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral or any two of them, shall at any time or times think proper, to confine in any such naval prison not only the offenders therein-before mentioned, but also any person who shall have been tried by a naval court-martial and sentenced to imprisonment, or whose sentence by a naval court-martial shall have been commuted to imprisonment, or who, in consequence of his sentence or of his commuted punishment, shall be liable to be detained until his sentence or commuted punishment be carried into effect.

VIII. That if any person shall convey or cause to be conveyed into any such naval prison any arms, tools, or instruments, or any mask or other disguise to facilitate the escape of any prisoner, or shall by any means whatever aid and assist any prisoner to escape or in attempting to escape from such prison, whether an escape be actually made or not, such person shall be deemed guilty of felony, and, upon being convicted thereof, shall be imprisoned, with or without hard labour, for any term not exceeding two years, or transported beyond the seas for any term not exceeding fourteen years; and if any person shall bring or attempt to bring into such prison, in contravention of the rules, any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not exceeding 20*l.* and not less than 10*l.*; and if any person shall bring into such prison, or to or for any prisoner, without the knowledge of the officer having the charge of command thereof, any money, clothing, provisions, tobacco, letters, papers, or other articles not allowed by the rules of the prison to be in the possession of a prisoner, or shall throw into the said prison any such articles, or shall by desire of any prisoner, without the sanction of the said officer, carry out of the prison any of the articles aforesaid, he shall for every such offence be liable to a penalty not exceeding 5*l.*; and if any person shall assault or violently resist any officer of such prison in the execution of his duty, or shall aid or excite any person so to assault or resist any such officer, he shall for every such offence be liable to a penalty not exceeding 5*l.*, or if the offender be a prisoner, he shall upon conviction thereof, by a board of not less than three of the prison, be liable to be sentenced for every such offence to be imprisoned, either with or without hard labour, and with or without solitary confinement, for any time not exceeding six calendar months, in addition to so much of the time for which he was originally sentenced as may be then unexpired.

IX. That it shall be lawful for the constable of any place where any person reasonably suspected to belong to Her Majesty's navy, and to be a deserter or improperly absent from his duty, shall be found, or of any adjoining place, and if no such constable can be immediately met with to secure him then for any person in Her Majesty's service, to apprehend or cause such suspected person to be apprehended, and cause him to be brought before any Justice in the United Kingdom, or in any of Her Majesty's domi-

nions or territories, or in the territories under the government of the East India Company in or near such place, who shall examine such suspected person, and if by his confession, or the testimony of one or more witness or witnesses upon oath, or by the knowledge of such Justice it shall appear that any person brought before him is a person belonging to Her Majesty's navy, improperly absent from his duty, such Justice shall forthwith cause him to be conveyed to the nearest or most convenient public prison, and shall transmit an account thereof to the Secretary of the Admiralty, or to any commander-in-chief or officer commanding any one of Her Majesty's ships or vessels, with a description of such person and the name of the ship or vessel to which he shall or may be suspected to belong, or if any such offender shall be apprehended by any person in Her Majesty's service, or shall be apprehended in the vicinity of any one of Her Majesty's ships or vessels in commission, then such Justice shall order him to be taken on board any such ship or vessel, instead of committing him to prison; and in all cases the Justice shall certify the name of the person by whom the offender was apprehended, and such last-mentioned person shall be entitled to a reward for such apprehension, according to the amount which is or may be established by the naval regulations or instructions for the time being in that behalf, or in case the apprehension shall be under circumstances for which no reward is or may be established, the amount of such reward shall be any sum in the discretion of the Lord High Admiral, or the said Commissioners, or of the officer commanding the vessel to which the deserter or person who shall have been improperly absent shall belong, not exceeding 3*l.*, and the reward shall in every case be paid and charged against the wages or pay of any such offender, and stopped out of the same; and for every such information, commitment, or order and account as aforesaid the clerk of the said Justice may be entitled to a fee of 2*s.* and no more, and every gaoler and other person into whose custody any such offender is committed shall immediately upon the receipt of him pay such fee of 2*s.*, and also upon the production of a receipt from the medical practitioner who may have been required to examine such suspected person a fee of 2*s.* 6*d.*, and such sums shall be repaid to such gaoler or other person, and the same, together with 6*d.* for every day the offender shall be in his custody, which shall be paid to such gaoler or other person, shall be charged against the pay or wages of the offender, and every gaoler or other person having the custody of any such offender shall deliver him up to any person authorized to take charge of him by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or by any naval commander-in-chief or the officer commanding any one of Her Majesty's ships or vessels, and any person so authorized shall convey him in safe custody on board any one of Her Majesty's ships or vessels in commission.

x. That any person who shall voluntarily deliver himself up as and confess himself to be a deserter from any one of Her Majesty's ships or vessels, or improperly absent from such ship or vessel, or who while serving in any of Her Majesty's forces, or the embodied militia, or the forces of the East India Company, shall to any officer or non-commissioned officer thereof confess himself to be a deserter as aforesaid, or improperly absent as aforesaid, or who, upon being apprehended for any offence, shall in the presence of the Justice confess himself to be a deserter, or improperly absent from his ship or vessel as aforesaid, and his statement shall not be true, he shall, if received into Her Majesty's naval service, be deemed in Her Majesty's navy, and be liable to serve and be detained therein as if he had voluntarily entered, or in case such person shall not be received into Her Majesty's navy, he shall, on conviction thereof before two Justices of the Peace, at or near the place where he shall deliver himself up or confess or where he may at any time happen to be, be adjudged to be punished, if in England, as a rogue and a vagabond, and if in Scotland or Ireland, by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three months.

xi. That every person who, by words or any other means whatsoever, shall persuade any person in Her Majesty's navy to desert or improperly absent himself from his duty shall forfeit and pay the sum of 20*l.* for every such act; and every person who shall assist or procure any person in Her Majesty's navy to desert or improperly absent himself from his duty, or shall conceal, employ, or continue to employ any person belonging to Her Majesty's navy who shall be a deserter, or improperly absent from his duty, knowing him to be such a deserter or so improperly absent, shall forfeit and pay the sum of 30*l.* for every such assistance, procurement, concealment, employment, or continuing of employment as aforesaid.

xii. That every governor, gaoler, and keeper of any prison, gaol, or house of correction, and every officer having the charge or command of any place, ship, or vessel for imprisonment, who shall refuse or neglect to receive or confine, remove, discharge, or deliver up any prisoner or offender as herein prescribed, shall forfeit for every such refusal or neglect the sum of 100*l.*

xiii. That all penalties and forfeitures imposed by this Act shall and may be recovered with costs, either by information or complaint, by summary proceedings before any Justice or Justices of the Peace residing in or near to the place where the offence shall be committed, or where the offender shall at any time happen to be, and whether the offence be committed in or out of Her Majesty's dominions, or within the jurisdiction of the Admiralty of England or not; and if the sum imposed as a penalty by any such Justice or Justices shall not be paid, either immediately after the conviction or within such reasonable time as such Justice or Justices shall at the time of the conviction appoint, it shall be lawful for the Justice or Justices to commit the offender or offenders to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such Justice or Justices, for any term not exceeding six calendar months, the commitment to be determinable upon payment of the amount and costs; and all penalties and forfeitures recoverable under this Act shall be paid and applied in manner following; (that is to say) one moiety of such penalty shall be paid to the informer or complainant, and the residue thereof shall be paid to the Commissioners of Greenwich Hospital, anything in an Act, 5 & 6 Will. 4. c. 76, intituled 'An Act to provide for the Regulation of Municipal Corporations in England and Wales,' or in any other Act or Acts of Parliament, to the contrary notwithstanding.

xiv. That any Justice or Justices of the Peace may summon any witness to appear and give evidence before him or them upon any matter cognizable under this Act, at a time and place appointed for hearing the information or complaint, and by warrant under his hand and seal or their hands and seals may require any person to be brought before him or them, who shall neglect or refuse to appear to give evidence at the time or place appointed in such summons, proof upon oath being first given of personal service of the summons upon the person against whom such warrant shall be granted; and such Justice or Justices may commit any person coming or brought before him or them, who shall refuse to give evidence, to any common gaol or house of correction, there to remain without bail or mainprize for any time not exceeding six calendar months, or until such person shall sooner submit himself to be examined, and in case of such submission the order of any such Justice or Justices shall be sufficient warrant for the discharge of such person.

xv. That the Justice or Justices before or by whom any person or persons shall be summarily convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require; (that is to say.)

'Be it remembered, That on the Day of in the Year of our Lord at , in the County of [or, Riding, Division, Liberty, City, *et cætera*, as the Case may be,] A.O. is convicted before me [or us, naming the Justice or Justices,] One [or Two] of Her Majesty's Justices of the Peace for the said County [or Riding, *et cætera*], for that he the said A.O. did [specify the Offence and the Time and Place when and where the same was committed, as the Case may be] and I [or we] the said Justice [or Justices] do adjudge the said A.O., for his said Offence, to forfeit and pay the Sum of [here state the Amount of Fine imposed,] and I [or we] the said Justice [or Justices] do also adjudge the said A.O. to pay the Sum of 'or for Costs; and in default of immediate Payment of the said Sums of and [or in default of Payment of the said Sums of and on or before the Day of] I [or we] the said Justice [or Justices] do adjudge the said A.O. to be imprisoned [or to be imprisoned and kept to hard Labour] in the for the Space of unless the said Sums shall be sooner paid; and I [or we] direct that the Sum of , Part of the said Penalty, together with the said Sum of for Costs, shall be paid to C.D. [the Party informing or complaining,] and the Residue of the said Penalty shall be paid to the Commissioners of Greenwich Hospital.

'Given under my Hand [or our Hands] the Day and Year first above written.'

xvi. That no conviction under this Act shall be quashed for want of form, or be removed by certiorari or otherwise, into any of Her Majesty's superior courts of record, and no warrant, commitment, or order for imprisonment shall be held void by reason of any defect therein, provided it be therein alleged that the person has been convicted or ordered to be imprisoned, and there be a good and valid conviction or an offence to sustain the same.

xvii. That this Act may be amended or repealed by any Act to be passed during this present session of Parliament.

CAP. LXIII.

AN ACT for limiting the Time of Service in the Royal Marine Forces.

(2nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. After passing of this Act the period of enlistment for a marine limited.
2. Repealing certain questions in Schedule to 10 & 11 Vict. c. 13, and substituting those contained in Schedule (A.) to this Act annexed.
3. Marines on completion of term of limited service may be re-engaged.
4. As to the enlistment of marines ordered on foreign service.
5. If terms of limited service expire while marines are on any foreign station, they may be prolonged for a further time.
6. If at the expiration of such terms of service marines are unwilling to re-engage themselves, they shall be conveyed home.—If marines desire to remain in the colony, governor, &c. may permit them to do so.
7. If term of enlistment of marine expire after any offence committed, &c., he shall be deemed to be in the service till after trial, &c. for the same.
8. If marines are absent from duty by reason of imprisonment, &c., such portion of time not to be reckoned as part of limited enlistment.
9. Period at which Act to take effect.
10. Act may be amended, &c.

By this Act,

After reciting that it is expedient to amend the system of enlistment now in use in the Royal marine forces:—

It is Enacted,

1. That after the passing of this Act no person shall be enlisted to serve in the royal marine forces as a marine for a longer term than twelve years, to be reckoned from the day on which the recruit shall have been attested, if he shall have stated himself to be then of the age of eighteen years, or if not, then from the day on which he will complete the age of eighteen years, to be reckoned according to the age stated in his attestation.

11. That such of the questions relative to enlistment as are contained in the Schedule of an Act, 10 & 11 Vict. c. 13, intituled 'An Act for the Regulation of Her Majesty's Royal Marine Forces while on Shore,' as relates to the enlisting and attesting of marines shall be repealed, and that in all cases of enlistment to serve in the royal marine forces the questions directed to be put on the attestation of recruits as to their willingness to serve shall be in the form contained in Schedule (A.) hereto annexed.

111. That any marine at any time during the last six months of the term of limited service for which he shall have first engaged, or after the completion of such term, may, if approved by his commanding officer or other competent authority as a fit person to continue in Her Majesty's service as a marine, be re-engaged to serve for the further term of twelve years in the royal marine forces, upon making a declaration in the form given in the Schedule marked (B.), and annexed to this Act, before any

one of Her Majesty's Justices of the Peace in Great Britain or Ireland, or if not in Great Britain or Ireland, before any person duly appointed by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, in that behalf, or who, under any Act now in force or which shall hereafter be in force for the regulation of Her Majesty's royal marine forces while on shore, has or shall have power to enlist and attest out of Great Britain and Ireland any marines or persons desirous of enlisting or re-enlisting into the royal marine forces.

iv. Provided and enacted, That any marine who shall be ordered on foreign service, and who is within three years of the expiration of his first engagement, shall be at liberty, with the approbation of his commanding officer, to re-engage, before he embarks for such foreign service, for such period as shall complete a total service of twenty-four years, according to the form given in Schedule (B.), and annexed to this Act.

v. Provided and enacted, That if either the first or second term of limited service for which any marine shall have so engaged shall expire while he is serving on any foreign station, the said first or second term of limited service may be prolonged for such further time, not exceeding two years, as shall be directed by the commanding officer on such foreign station; and that any marine who shall give notice to his commanding officer, after completing his second term of limited service, that he is desirous of continuing in Her Majesty's service as a marine, and being approved by his commanding officer or other competent authority, may be continued in such service as a marine so long as he shall desire to be so continued, and until the expiration of three calendar months after he shall have given notice to his commanding officer of his wish to be discharged, and for that purpose shall be considered in all respects during such time as if his term of service were still unexpired.

vi. Provided and enacted, That if at the expiration of such first or second term of limited service, or of such term of prolonged service, any marine entitled to his discharge being on any foreign station shall not be willing to re-engage or to continue in Her Majesty's service, his commanding officer shall, as in the case of marines invalided, take the usual measures, with all convenient despatch, for the conveyance of such marine to England, and on the arrival of such marine in England he shall be finally discharged: Provided always, that during such time as may elapse between the expiration of such terms of service as aforesaid and his final discharge in England such marine shall remain subject to the same discipline as fully as he may have been subject thereto before the expiration of such terms of service: Provided also, that if at the expiration of any such first or second term of limited service, or of such term of prolonged service, any marine being in any of Her Majesty's colonies shall claim his discharge, and shall signify to the governor of such colony through the commanding officer of such marine his desire to remain in such colony, it shall be lawful for such governor, if he shall think fit, with the consent of such commanding officer, to permit such marine to remain therein, and thereupon such marine shall be finally discharged, and shall not be entitled to claim to be conveyed to England at the public charge at any future period.

vii. That if the term for which any non-commissioned officer or marine shall have been enlisted or re-engaged, or for which his term of service may have been prolonged as aforesaid, shall expire after any offence committed by him, and before he has been tried or punished for the same, such non-commissioned officer or marine shall, notwithstanding the expiration of his term of service, be deemed and taken to be still in the royal marine forces for the purpose of undergoing his trial and punishment, but for no other purpose: Provided always, that no non-commissioned officer or marine shall be so tried after the expiration of his service, except by a naval court-martial, or by a general or district or garrison court-martial, as the case may require.

viii. That if any non-commissioned officer or marine shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service by reason of his imprisonment, whether under sentence of a court-martial or of any other court duly authorized to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or marine was enlisted or re-engaged, or for which his term of service may have been prolonged as aforesaid; and if any non-commissioned officer or marine shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service by reason of his having been made a prisoner of war, the circumstances under which he was so made a prisoner shall, on his rejoining Her Majesty's service, be subjected to inquiry by a court-martial; and if it shall appear to the satisfaction of the court that he was taken prisoner through his own wilful neglect of his duty, or that he has or has not returned to his duty so soon as he could and ought to have returned, the court may by its sentence direct that all or any part of the time during which such non-commissioned officer or marine shall have been so absent may be deducted from his term of service.

ix. That this Act shall take effect from and after the 1st of August 1847.

x. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

QUESTIONS to be put separately by the JUSTICE to a RECRUIT on ENLISTING.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Dimbility or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?

8. Are you willing to be attested to serve in the Royal Marine Forces for the Term of _____ [this Blank to be filled up by the Justice with Twelve Years if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Twelve Years], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?*
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

Note.—The Justice is directed, first, to ascertain that Twenty-four Hours have elapsed since the Enlistment took place; and in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprise the Recruit that if he belongs to the Militia and denies the Fact he is liable to Six Months Imprisonment.

* If so, the Recruit is to state the Particulars of his former Service, and the Cause of his Discharge, and is to produce the Certificate of his Discharge if he has it with him.

SCHEDULE (B.)

I, _____ do declare, That I am at present [or was, as the case may be,] in the _____ Division of the Royal Marine Forces; that I enlisted on the _____ Day of _____ for a Term of _____ Years; that I am of the Age of _____ Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine for a further Term of _____ Years [to be filled up with Twelve Years, and in the Case of a Marine about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-four Years], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me

Signature of Marine.

Signature of Witness.

CAP. LXIV.

AN ACT to suspend until the First Day of March One thousand eight hundred and forty-eight the Duties on the Importation of Corn, Maize, Rice, Grain, Meal, Flour, Biscuit, and certain other similar Articles.

(9th July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. Duties on corn, &c. suspended till the 1st of March 1848.
2. Act may be amended, &c.

By this Act,

After reciting that by 10 & 11 Vict. c. 1, it is enacted that no duties of Customs shall be chargeable on any corn, grain, meal, or flour imported into the United Kingdom or the Isle of Man from parts beyond the seas, and entered for home consumption, before the 1st of September in this present year: And that by another Act, 10 & 11 Vict. c. 2, it is enacted that no duties shall be chargeable upon any of the aforesaid articles imported into the United Kingdom, and entered for home consumption, before the said 1st of September in the present year: And that it is expedient that the said several articles and the other articles hereinafter mentioned should be admitted into this country free of duty for a further period:—

It is Enacted,

i. That no duties of Customs shall be chargeable upon any corn, grain, meal, flour, buck wheat, buck wheat meal, maize or Indian corn, Indian corn meal, rice, rice meal, barley (pot or hulled), Mandioca flour, ship biscuit or biscuit of other kinds (not being fancy biscuit or confectionery), imported into the United Kingdom, nor upon any corn, grain, meal, or flour imported into the Isle of Man from parts beyond the seas, and entered for home consumption, before the 1st of March which will be in the year of our Lord 1848.

ii. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. LXV.

AN ACT for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Cemeteries.

(9th July 1847.)

ABSTRACT OF THE ENACTMENTS.

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| | 1. Extent of Act. |
| | 2. Interpretations in this Act :—"Special Act;" "prescribed;" "Lands;" "Company." |
| | 3. Interpretations in this and the special Act :—"Number;" "gender;" "person;" "lands;" "the cemetery;" "month;" "superior courts;" "oath;" "Established Church;" "county;" "Justice," "two Justices;" "Quarter Sessions." |
| Citing the Act. | 4. Short title of this Act. |
| | 5. Form in which portions of this Act may be incorporated in other Acts. |
| | 6. Construction of cemetery to be subject to the provisions of this and the Lands Clauses Consolidation Act, 1845. |
| | 7. Errors and omissions in Act or Schedule to be corrected by Justices who shall certify the same.—Certificate to be deposited. |
| | 8. Copies of plans, &c. to be evidence. |
| | 9. Company not to dispose of any land consecrated or used for burials. |
| Making of Cemetery. | 10. Cemetery not to be within a certain distance of houses. |
| | 11. Company may build chapels, &c. |
| | 12. Company may make or widen roads to cemetery. |
| | 13. No road to be widened without consent. |
| | 14. Owners, &c. may enter into agreements for improving roads for that purpose. |
| | 15. Cemetery to be inclosed and fenced. |
| | 16. Cemetery, &c. to be kept in repair. |
| | 17. Company to make compensation for damages done. |
| | 18. Power to make sewers, drains, &c. in and about the cemetery. |
| Prevention of Nuisances. | 19. Certain provisions of Waterworks Clauses Act, 1847, incorporated with this Act. |
| | 20. Penalty for allowing water to be fouled. |
| | 21. Penalty to be sued for within six months. |
| | 22. In addition to penalty of 50 <i>l.</i> , a daily penalty during the continuance of the offence. |
| | 23. A part of cemetery to be set apart and consecrated for burial of members of Established Church. |
| | 24. Consecrated ground to be defined. |
| | 25. A chapel in connexion with the Established Church to be constructed. |
| | 26. Bodies when interred not to be removed without lawful authority. |
| | 27. Chaplain to be appointed with consent of the bishop. |
| | 28. Chaplain to perform burial services when required. |
| | 29. Other clergymen of the Established Church may be allowed to officiate. |
| | 30. Company to pay the chaplain a stipend approved by the bishop. |
| Burials. | 31. Stipend to be recovered by action at law. |
| | 32. Burials in the consecrated portion to be registered by the chaplain. |
| | 33. Registers to be subject to the regulations of 6 & 7 Will. 4. c. 86. as to searches, &c. |
| | 34. Clerk appointed for the consecrated part of the cemetery. |
| | 35. As to burial of persons not members of the Church of England. |
| | 36. Company may allow any burial services to be performed in dissenting chapels. |
| | 37. Power to appoint grave-diggers, &c. |
| | 38. Regulations for insuring decency and solemnity. |
| | 39. No burials under or close to chapels. |
| | 40. Parts of the cemetery may be set apart for exclusive burial.—Monumental inscriptions. |
| | 41. Plan and book of reference to be kept, and be open to inspection. |
| | 42. Form of grant of burial in vault, &c. to be according to Schedule. |
| | 43. Register of grants to be kept. |
| | 44. Rights of burial, &c. to be assignable, or may be bequeathed by will. |
| Exclusive Rights of Burial. | 45. Form of assignment. |
| | 46. Assignments to be registered. |
| | 47. Probates of wills to be registered. |
| | 48. Vaults to be kept exclusively for purchasers of exclusive right. |
| | 49. No such grant to give the right of burial in consecrated ground to certain persons. |
| | 50. Power to remove monuments improperly erected. |
| | 51. Bishop to have power to object to monumental inscriptions in consecrated part of cemetery. |

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| <i>Payments to Incumbents of Parishes.</i> | 52. <i>Payments to incumbents of parishes from which bodies are brought.</i> |
| | 53. <i>Company shall keep account of interments.</i> |
| | 54. <i>Account of payments due to incumbents of parishes to be rendered half-yearly.</i> |
| <i>Protection of Cemetery.</i> | 55. <i>Fees to be paid to incumbents of parishes half-yearly.</i> |
| | 56. <i>Payment to be made to the incumbent for the time being, who is to account with his predecessor.</i> |
| | 57. <i>Company to pay parish clerks the compensation mentioned.</i> |
| <i>Recovery of Damages and Penalties.</i> | 58. <i>Penalty for damaging the cemetery.</i> |
| | 59. <i>Penalty on persons committing nuisances in the cemetery.</i> |
| | 60. <i>Annual account to be made up, and a copy transmitted to the clerk of the peace, &c., and be open to inspection.</i> |
| <i>Access to special Act.</i> | 61. <i>Tender of amends.</i> |
| | 62. <i>8 & 9 Vict. c. 20. incorporated as to damages, &c.</i> |
| | 63. <i>In Ireland, part of penalty to be paid to guardians of unions.</i> |
| | 64. <i>All things required to be done by two Justices may, in certain cases, be done by one.</i> |
| | 65. <i>Persons giving false evidence liable to penalties of perjury.</i> |
| | 66. <i>Copies of special Act to be kept by company at their office, and deposited with the clerk of the peace, and be open to inspection.</i> |
| | 67. <i>Penalty on company failing to keep or deposit such copies.</i> |
| | 68. <i>Company not exempt from provisions of any future general Act.</i> |
| | 69. <i>Act may be amended, &c.</i> |

By this Act,

After reciting that it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament authorizing the making of cemeteries, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings as for insuring greater uniformity in the provisions themselves :—

It is Enacted,

1. That this Act shall extend only to such cemeteries as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith, and all the clauses of this Act, save so far as they shall be expressly varied or excepted in any such Act, shall apply to the cemetery authorized thereby, so far as they are applicable to such cemetery, and shall, with the clauses of every other Act incorporated therewith, form part of such Act, and be construed therewith as forming one Act.

And with respect to the construction of this Act and any Act incorporated therewith, it is enacted as follows :—

11. The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the making of a cemetery, and with which this Act shall be incorporated; and the word “prescribed” used in this Act in reference to any matter herein stated shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word occurs shall be construed as if instead of the word “prescribed” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the lands” shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression “the company” shall mean the persons by the special Act authorized to construct the cemetery.

111. The following words and expressions in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number only shall include also the singular number :

Words importing the masculine gender shall include females :

The word “person” shall include a corporation, whether aggregate or sole :

The word “lands” shall include messuages, lands, and hereditaments, of any tenure :

The expression “the cemetery” shall mean the cemetery or burial ground, and the works connected therewith, by the special Act authorized to be constructed :

The word “month” shall mean calendar month :

The expression “superior courts” shall mean Her Majesty’s superior courts at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the county palatine of Lancaster and the Court of Pleas of the county of Durham :

The word “oath” shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other persons allowed by law to make a declaration instead of taking an oath :

The expression “Established Church” shall mean the United Church of England and Ireland as by law established :

The word “county” shall include any riding or other division of a county having a separate commission of the peace, and shall also include the county of a city or county of a town :

The word “Justice” shall mean Justice of the Peace acting for the place where the matter requiring the cognizance of any such Justice arises, and if such matter arise in respect of lands situated not wholly in one jurisdiction shall mean a Justice acting for the place where any part of such lands shall be situated; and where any matter is authorized or required to be done by “two Justices” the expression “two Justices” shall be understood to mean two or more Justices met and acting together :

The expression “Quarter Sessions” shall mean the Quarter Sessions as defined by the special Act, or if such expression be not therein defined it shall mean the General or Quarter Sessions of the Peace which shall be held at the place nearest the

cemetery for the county or place in which the cemetery or some part thereof is situated, or for some division of such county having a separate commission of the peace.

And with respect to citing this Act or any part thereof, it is enacted as follows:—

iv. In citing this Act in other Acts of Parliament and in legal instruments, it shall be sufficient to use the expression "The Cemeteries Clauses Act, 1847."

v. For the purpose of incorporating part only of this Act with any Act hereafter to be passed it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act with the exception of the clauses so described, shall be incorporated with such Act, and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

And with respect to the making of the cemetery it is enacted as follows:—

vi. Where by the special Act the company shall be empowered, for the purpose of making the cemetery, to take or use any lands otherwise than with the consent of the owners and occupiers thereof, they shall, in exercising the power so given to them, be subject to the provisions and restrictions contained in this Act and the Lands Clauses Consolidation Act, 1845, and shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the special Act, or injuriously affected by the construction of the works thereby authorized, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, or other parties, by reason of the exercise, as regards such lands, of the powers vested in the company by this or the special Act, or any Act incorporated therewith, and, except where otherwise provided by this or the special Act, the amount of such compensation shall be determined in the manner provided by the Lands Clauses Consolidation Act, 1845, for determining questions of compensation with regard to lands purchased or taken under the provisions thereof, and all the provisions of the last-mentioned Act shall be applicable to determine the amount of such compensation, and to enforce payment or other satisfaction thereof.

vii. If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands described in the special Act or the Schedule thereto, the company, after giving ten days' notice to the owners of the lands affected by such proposed correction, may apply to two Justices for the correction thereof, and if it appear to such Justices that such omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate shall be deposited with the clerk of the peace of the county in which the lands affected thereby shall be situated, and thereupon the special Act or Schedule shall be deemed to be corrected according to such certificate, and the company may take the lands according to such certificate, as if such omission, mis-statement, or wrong description had not been made.

viii. Copies of any alteration or correction of the special Act, or the Schedule thereto, or of any extract therefrom, certified by any such clerk of the peace in whose custody such alteration or correction may be, which certificate such clerk of the peace shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

ix. The company shall not sell or dispose of any land which shall have been consecrated or used for the burial of the dead, or make use of such land for any purpose except such as shall be authorized by this or the special Act, or any Act incorporated therewith.

x. No part of the cemetery shall be constructed nearer to any dwelling-house than the prescribed distance, or if no distance be prescribed, 200 yards, except with the consent in writing of the owner, lessee, and occupier of such house.

xi. The company upon any land which by the special Act they are authorized to use for the purposes of the cemetery may build such chapels for the performance of the burial service as they think fit, and may lay out and embellish the grounds of the cemetery as they think fit.

xii. The company upon any land purchased by them under this or the special Act, or any Act incorporated therewith, may make any new roads to the cemetery, or widen or improve any existing roads thereto which they think fit.

xiii. Provided always, That the company shall not widen or improve any existing road without the consent of the owner thereof, if the road be private, or if the road be public, without the consent of the persons in whom the management of the road is vested by law.

xiv. The company and the owners or persons having the management of any such road as aforesaid may enter into such agreements as they think fit, for enabling the company to widen or improve any such road, and for maintaining the same.

xv. Every part of the cemetery shall be inclosed by walls or other sufficient fences of the prescribed materials and dimensions, and if no materials or dimensions be prescribed by substantial walls or iron railings of the height of eight feet at least.

xvi. The company shall keep the cemetery and the buildings and fences thereof in complete repair, and in good order and condition, out of the monies to be received by them by virtue of this and the special Act.

xvii. Provided always, That in the exercise of the powers by this and the special Act granted to the company, they shall do as little damage as can be, and shall make full compensation to all parties interested for all damage sustained by them through the exercise of such powers.

And with respect to preventing nuisance from the cemetery, it is enacted as follows:—

xviii. The company shall make all necessary and proper sewers and drains in and about the cemetery, for draining and

keeping the same dry, and they may from time to time, as occasion requires, cause any such sewer or drain to open into any existing sewer, with the consent in writing of the persons having the management of such sewer, and with the consent in writing of the persons having the management of the street or road, and of the owners and occupiers of the land through which such opening is made, doing as little damage as possible to the road or ground wherein such sewer or drain may be made, and restoring it to the same or as good condition as it was in before being disturbed.

XIX. When any street, or road, or sewer shall be opened, with such consent as aforesaid, the clauses of the Waterworks Clauses Act, 1847, with respect to breaking up streets for the purpose of laying pipes, so far as the same are consistent with this Act, and applicable thereto, shall be incorporated with this Act, and shall apply to the company, and to any ground broken by them for making any such sewer or drain as aforesaid to open into any existing sewer.

XX. If the company at any time cause or suffer to be brought or to flow into any stream, canal, reservoir, aqueduct, pond or watering place, any offensive matter from the cemetery, whereby the water therein shall be fouled, they shall forfeit for every such offence the sum of 50*l*.

XXI. The said penalty, with full costs of suit, may be recovered by any person having right to use the water fouled by such offensive matter, in any of the superior courts, by action of debt or on the case: Provided always that the said penalty shall not be recoverable unless the same be sued for during the continuance of the offence, or within six months after it has ceased.

XXII. In addition to the said penalty of 50*l*. (and whether such penalty is recovered or not), any person having right to use the water fouled by such offensive matter may sue the company in an action on the case in any court of competent jurisdiction for any damage specially sustained by him by reason of the water being so fouled; or if no special damage be alleged, for the sum of 10*l*. for each day during which such offensive matter is brought or flows as aforesaid after the expiration of twenty-four hours from the time when notice of the offence is served on the company by such person.

And with respect to burials in the cemetery, it is enacted as follows:—

XXIII. The bishop of the diocese in which the cemetery is situated may, on the application of the company, consecrate any portion of the cemetery set apart for the burial of the dead according to the rites of the Established Church, if he be satisfied with the title of the company to such portion, and thinks fit to consecrate such portion; and the part which is so consecrated shall be used only for burials according to the rites of the Established Church.

XXIV. The company shall define by suitable marks the consecrated and unconsecrated portions of the cemetery.

XXV. The company shall build within the consecrated part of the cemetery, and according to a plan approved of by the bishop of the diocese, a chapel for the performance of the burial service according to the rites of the Established Church.

XXVI. No body buried in the consecrated part of the cemetery shall be removed from its place of burial without the like authority as is by law required for the removal of any body buried in the churchyard belonging to a parish church.

XXVII. The company shall from time to time, with the approval of the bishop of the diocese in which the cemetery is situated, appoint a clerk in holy orders of the Established Church to officiate as chaplain in the consecrated part of the cemetery; and such chaplain shall be licensed by and be subject to the jurisdiction of the said bishop, and the said bishop shall have power to revoke any such licence, and to remove such chaplain for any cause which appears to him reasonable.

XXVIII. The chaplain shall, when required, unless prevented by sickness or other reasonable cause, perform the burial service over all bodies brought to be buried in the consecrated part of the cemetery which are entitled to be buried in consecrated ground according to the rites and usage of the Established Church.

XXIX. Any clerk in holy orders of the Established Church, not being prohibited by the bishop, nor under ecclesiastical censure, at the request of the executor of the will of any deceased person, or any other person having the charge of the burial of the body of any deceased person, and with the consent of the chaplain for the time being of the cemetery, or if there be no chaplain with the consent of the bishop, may perform the said burial service over such body in the consecrated part of the cemetery.

XXX. The company, out of the monies to be received by virtue of this and the special Act, shall allow to the chaplain of the cemetery for the time being such a stipend as is approved of by the bishop of the diocese in which the cemetery is situated, which shall be payable, by equal moieties, on the 25th day of March and the 29th day of September in each year; and if any chaplain die, resign, or be removed or appointed, in the interval between the half-yearly days of payment, the company shall pay to him, or his executors or administrators, a part only of the half-yearly payment of the stipend proportioned to the time during which he shall have been the chaplain since the last preceding day of payment.

XXXI. If the stipend of the said chaplain, or any part thereof, be not paid to the chaplain entitled to receive the same, or to the executors or administrators of a deceased chaplain, for the space of thirty days next after any of the days of payment whereon the same ought to be paid, such chaplain, or his executors or administrators, may recover the same, with full costs of suit, against the company, by action of debt or upon the case in any court of competent jurisdiction.

XXXII. All burials in the consecrated part of the cemetery shall be registered in register books to be provided by the company, and kept for that purpose by the chaplain, according to the laws in force by which registers are required to be kept by the rectors, vicars, or curates of parishes or ecclesiastical districts in England; and such register books, or copies or extracts therefrom, shall be received in all courts in evidence of such burials; and copies or transcripts thereof shall be from time to time sent to the registrar of the ecclesiastical court of the bishop of the diocese in which the cemetery is situated, to be kept with the copies of the other register books of the parishes within his diocese.

xxxiii. The said register books so far as respects searches to be made therein, and copies and extracts to be taken therefrom, shall be subject to the same regulations as are provided by an Act, 6 & 7 Will. 4. c. 86, intituled 'An Act for registering Births, Deaths, and Marriages in England,' so far as such regulations relate to register books of burials kept by any rector, vicar or curate.

xxxiv. The company may, with the consent of the chaplain for the time being, from time to time appoint a clerk to assist in performing the service for burials in the consecrated part of the cemetery, and allow to such clerk such stipend as they think proper out of the monies to be received by virtue of this and the special Act, and they may remove such clerk at their pleasure.

xxxv. The company may set apart the whole or a portion of that part of the cemetery which is not set apart for burials according to the rites of the Established Church as a place of burial for the bodies of persons not being members of the Established Church, and may allow such bodies to be buried therein, under such regulations as the company appoint.

xxxvi. The company may allow in any chapel built within the unconsecrated part of the cemetery, a burial service to be performed according to the rites of any church or congregation other than the Established Church, by any minister of such other church or congregation, duly authorized by law to officiate in such church or congregation, or recognized as such by the religious community or society to which he belongs.

xxxvii. The company may appoint grave-diggers and other servants necessary for the care and use of the cemetery, and may pay them such wages and allowances as they think fit out of the monies to be received by virtue of this and the special Act, and may remove them or any of them at their pleasure.

xxxviii. The company shall make regulations for insuring that all burials within the cemetery are conducted in a decent and solemn manner.

xxxix. No body shall be buried in any vault under any chapel of the cemetery, or within fifteen feet of the outer wall of any such chapel.

And with respect to exclusive rights of burial and monumental inscriptions in the cemetery, it is enacted as follows:—

xl. The company may set apart such parts of the cemetery as they think fit for the purpose of granting exclusive rights of burial therein, and they may sell, either in perpetuity or for a limited time, and subject to such conditions as they think fit, the exclusive right of burial in any parts of the cemetery so set apart, or the right of one or more burials therein, and they may sell the right of placing any monument or gravestone in the cemetery, or any tablet or monumental inscription on the walls of any chapel or other building within the cemetery.

xli. The company shall cause a plan of the cemetery to be made upon a scale sufficiently large to shew the situation of every burial place in all the parts of the cemetery so set apart, and in which an exclusive right of burial has been granted; and all such burial places shall be numbered, and such numbers shall be entered in a book to be kept for that purpose, and such book shall contain the names and descriptions of the several persons to whom the exclusive right of burial in any place of burial has been granted by the company; and no place of burial with exclusive right of burial therein, shall be made in the cemetery without the same being marked out in such plan, and a corresponding entry made in the said book, and the said plan and book shall be kept by the clerk of the company.

xlii. The grant of the exclusive right of burial in any part of the cemetery, either in perpetuity or for a limited time, and of the right of one or more burials therein, or of placing therein any monument, tablet, or gravestone, may be made in the form in the Schedule to this Act annexed, or to the like effect, and where the company are not incorporated it may be executed by the company or any two or more of them.

xliii. A register of all such grants shall be kept by the clerk to the company, and within fourteen days after the date of any such grant an entry or memorial of the date thereof and of the parties thereto, and also of the consideration for such grant, and also a proper description of the ground described in such grant, so as the situation thereof may be ascertained, shall be made by the said clerk in such register; and such clerk shall be entitled to demand such sum as the company think fit, not exceeding the prescribed sum, or if no sum be prescribed 2s. 6d. for every such entry or memorial; and the said register may be perused at all reasonable times by any grantee or assignee of any right conveyed in any such grant, upon payment of the prescribed sum, or if no sum be prescribed the sum of 1s. to the clerk of the company.

xliv. The exclusive right of burial in any such place of burial shall, whether granted in perpetuity or for a limited time, be considered as the personal estate of the grantee, and may be assigned in his lifetime or bequeathed by his will.

xlv. Every such assignment made in the lifetime of the assignor shall be by deed duly stamped, in which the consideration shall be duly set forth, and may be in the form in the Schedule to this Act annexed, or to the like effect.

xlvi. Every such assignment shall, within six months after the execution thereof, if executed in Great Britain or Ireland, or within six months after the arrival thereof in Great Britain or Ireland, if executed elsewhere, be produced to the clerk of the company, and an entry or memorial of such assignment shall be made in the register by the clerk of the company, in the same manner as that of the original grant; and until such entry or memorial no right of burial shall be acquired under any such memorial; and for every such entry or memorial the clerk shall be entitled to demand such sum as the company think fit, not exceeding the prescribed sum, or if no sum be prescribed 2s. 6d.

xlvii. An entry or memorial of the probate of every will by which the exclusive right of burial within the cemetery is bequeathed, and in case there be any specific disposition of such exclusive right of burial in the said will an entry of such disposition, shall, within six months after the probate of such will, be made in the said register, in the same manner as that of

the original grant, and until such entry no right of exclusive burial shall be acquired under such will; and for every such entry or memorial the clerk of the company shall be entitled to demand such sum as the company think fit, not exceeding the prescribed sum, or if no sum be prescribed 2s. 6d.

XLVIII. No body shall be buried in any place wherein the exclusive right of burial shall have been granted by the company, except with the consent of the owner for the time being of such exclusive right of burial.

XLIX. No such grant as aforesaid shall give the right to bury within the consecrated part of the cemetery the body of any person not entitled to be buried in consecrated ground according to the rites and usage of the Established Church, or to place any monument, gravestone, tablet, or monumental inscription respecting any such body within the consecrated part of the cemetery.

L. The company may take down and remove any gravestone, monument, tablet, or monumental inscription which shall have been placed within the cemetery without their authority.

LI. The bishop of the diocese in which the cemetery is situated, and all persons acting under his authority, shall have the same right and power to object to the placing, and to and procure the removal of any monumental inscription within the consecrated part of the cemetery as he by law has to object to or procure the removal of any monumental inscription in any church or chapel of the Established Church, or the burial ground belonging to such church or chapel, or any other consecrated ground.

And with respect to payments to incumbents of parishes or ecclesiastical districts, and to parish clerks, it is enacted as follows:—

LII. The company shall, on the burial of every body within the consecrated part of the cemetery, pay to the incumbent for the time being of the parish or ecclesiastical district from which such body shall have been removed for burial, such sums, if any, as shall be prescribed for that purpose in the special Act.

LIII. For ascertaining the amount of the payments, if any, to be made to the incumbents of the several parishes or districts aforesaid, the company shall cause books to be kept, and entries to be made therein of the names of all persons whose bodies are buried within the consecrated part of the cemetery, and the names of the parishes or districts from which such bodies respectively have been removed, and the manner of their burial within the cemetery (distinguishing whether in a place of exclusive burial or otherwise), with the date of such burial; and such books shall be at all reasonable times open to the inspection of the incumbents for the time being of the said several parishes or districts, or any person employed by them, without fee or reward.

LIV. The company shall on the 25th of March and 29th of September in each year, or within one month after each of the said days, deliver to the person who is the incumbent of any parish or ecclesiastical district on that day, or to his executors or administrators, on demand made within the said month, an account of the sums, if any, payable in respect of bodies removed for burial within the consecrated part of the cemetery as aforesaid from such parish or ecclesiastical district during the half year next preceding the said 25th of March or 29th of September, as the case may be.

LV. The sums payable by virtue of the special Act shall be paid half-yearly on the 25th of March and the 29th of September, or within one month afterwards, to the persons who are the incumbents of the parishes or ecclesiastical districts in respect of which the same are payable on such 25th of March and 29th of September respectively, or the executors or administrators of such incumbents; (that is to say,) such sums as accrue between the 29th of September and the 25th of March following shall be paid to the person who is the incumbent on the 25th of March, and such sums as accrue between the 25th of March and the 29th of September following shall be paid to the person who is the incumbent on the 29th of September; and if any such sums be not paid to the party entitled to receive the same within the period hereinbefore limited for the payment thereof, such party may recover the same, with full costs, by action of debt or on the case in any court having competent jurisdiction.

LVI. If any incumbent of any parish or district in respect of which sums are payable by the company by virtue of the special Act ceases to be incumbent, by cession, death, or otherwise, between the said two half-yearly days of payment, such incumbent shall be entitled to receive so much of the sum payable at the half-yearly day which happens next after he ceases to be incumbent as has accrued from the last preceding half-yearly day, or from the time when such incumbent became first entitled to receive the fruits of his living, as the case may require, up to the day at which he ceased to be incumbent, and the incumbent of any parish or district who receives from the company any sum to a part of which any preceding incumbent is entitled under the provisions herein contained shall pay such part to him, his executors or administrators, accordingly; and the company shall not be answerable to any person, other than the actual incumbent for the time being, for the payment of any sums by virtue of this or the special Act.

LVII. The company shall, on the burial of every body within the consecrated part of the cemetery, except where the body is buried at the expense of any parish or ecclesiastical district, or union of parishes for the relief of the poor, pay to the parish clerk of the parish or ecclesiastical district from which such body has been removed for burial, if he held the office of parish clerk of such parish or ecclesiastical district at the time of the passing of the special Act, but not otherwise, such sum, if any, as shall be prescribed for that purpose in the special Act.

And with respect to the protection of the cemetery, it is enacted as follows:—

LVIII. Every person who shall wilfully destroy or injure any building, wall, or fence belonging to the cemetery, or destroy or injure any tree or plant therein, or who shall daub or disfigure any wall thereof, or put up any bill therein or on any wall thereof, or wilfully destroy, injure, or deface any monument, tablet, inscription, or gravestone within the cemetery, or do any other wilful damage therein, shall forfeit to the company for every such offence a sum not exceeding 5*l*.

LIX. Every person who shall play at any game or sport, or discharge fire-arms, save at a military funeral, in the cemetery, or who shall wilfully and unlawfully disturb any persons assembled in the cemetery for the purpose of burying any body therein, or who shall commit any nuisance within the cemetery, shall forfeit to the company for every such offence a sum not exceeding 5*l*.

And with respect to the accounts to be kept by the company;—

It is Enacted,

LX. That the company shall every year cause an account to be prepared, shewing the total receipt and expenditure of all monies levied by virtue of this or the special Act for the year ending on the 31st of December, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, certified by the chairman of the company, and duly audited, and shall send a copy of the said account, free of charge, to the clerk of the peace for the county in which the cemetery is situated, on or before the expiration of one month from the day on which such accounts end, which last-mentioned account shall be open to the inspection of the public at all reasonable hours, on payment of the sum of 1*s*. for every such inspection; and if the company omit to prepare or send such account as aforesaid, they shall forfeit for every such omission the sum of 20*l*.

And with respect to the tender of amends;—

It is Enacted,

LXI. That if any person shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender have been made, the defendant, by leave of the Court where such action is pending, may at any time before issue joined pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, it is enacted as follows:—

LXII. The clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, shall be incorporated with this and the special Act; and such clauses shall apply to the cemetery and to the company respectively.

LXIII. Provided always, That in Ireland, in the case of any penalty imposed by Justices, where the application is not otherwise provided for, such Justices may award not more than one half of such penalty to the informer, and shall award the remainder to the guardians of the poor of the union within which the offence shall have been committed, to be applied in aid of the poor rates of such union.

LXIV. All things herein or in the special Act, or any Act incorporated therewith, authorized or required to be done by two Justices, may and shall be done by any one magistrate having by law authority to act alone for any purpose with the powers of two or more Justices.

LXV. Every person who upon any examination upon oath, under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

And with respect to affording access to the special Act, it is enacted as follows:—

LXVI. The company shall, at all times after the expiration of six months after the passing of the special Act, keep in their principal office of business a copy of the special Act, printed by the printers to Her Majesty, or some of them, and shall also, within the space of such six months, deposit in the office of the clerk of the peace of the county in which the cemetery is situated a copy of such special Act so printed as aforesaid; and the said clerk of the peace shall receive and he and the company respectively shall keep the said copies of the special Act, and shall allow all persons interested therein to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by 7 Will. 4. & 1 Vict. c. 83, intituled 'An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.'

LXVII. If the company fail to keep or deposit any of the said copies of the special Act as hereinbefore mentioned they shall forfeit 20*l*. for every such offence, and also 5*l*. for every day afterwards during which such copy shall be not so kept or deposited.

LXVIII. That nothing herein contained shall be deemed to exempt the company from any general Act relating to burials in towns or populous places which may be passed in the same session of Parliament in which the special Act is passed, or any future session of Parliament.

LXIX. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES to which the foregoing Act refers.

Form of Grant of Right of Burial.

By virtue of [*here name the special Act*] we [*here state the Name or Description of the Company*], in consideration of the Sum of _____ to us paid by _____ of _____ do hereby grant unto the said _____ the exclusive Right of Burial [*or the Right of burying Bodies, as the Case may be,*] [*or the Right of placing a Monument, Tablet, or Gravestone,*] in [*here describe the Ground intended for the exclusive Burial, or for placing a Monument, Tablet, or Gravestone, as the Case may be, so as to identify the same, and if a place of exclusive Burial, add, "numbered* _____ on the Plan of the Cemetery, made in pursuance of the said Act"], to hold the same to the said _____ in perpetuity [*or the Period agreed upon*] for the Purpose of Burial [*or as the Case may be*].

Given under our Common Seal [*or under our Hands and Seals, as the Case may be,*] this _____ Day of _____ in the Year of our Lord _____.

Form of Assignment of Right of Burial.

I A.B. of _____ in consideration of the Sum of _____ paid to me by C.D. of _____ do hereby assign unto the said C.D. the exclusive Right of Burial in [*here describe the Place*], and numbered _____ on the Plan of the Cemetery made in pursuance of the said Act, which was granted to me [*or unto A.B. of _____*] in perpetuity [*or as the Case may be*] by [*here state the Name of the Company*] by a Deed of Grant bearing Date the _____ Day of _____ and all my Estate, Title, and Interest therein, to hold the same unto the said C.D. in perpetuity [*or, as the Case may be, for the Remainder of the Period for which the same was granted by the said Company*], subject to the Conditions on which I held the same immediately before the Execution hereof.

Witness my Hand and Seal this _____

Day of _____

CAP. LXVI.

AN ACT for extending the Provisions of the Law respecting Threatening Letters and accusing Parties with a view to extort Money.

(9th July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Persons sending threatening letters, accusing others with certain crimes, with a view to extort money, guilty of felony.*
2. *Persons accusing others of crimes hereinbefore mentioned, with the view of extorting money, &c. guilty of felony.*

By this Act,

After reciting that it is expedient to extend the provisions of so much of 7 & 8 Geo. 4. c. 29. and 9 Geo. 4. c. 55. as relates to the offences of sending threatening letters, and also so much of 7 Will. 4. & 1 Vict. c. 87. as relates to the offence of accusing persons of unnatural crimes, and to make further provisions for the punishment of such offences:—

It is Enacted,

1. That if any person shall knowingly send, or deliver, or utter to any other person, any letter or writing accusing or threatening to accuse either the person to whom such letter or writing shall be sent or delivered, or any other person, of any crime punishable by law with death or transportation, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any crime in and by the said first-mentioned Act defined to be an infamous crime, with a view or intent to extort or gain, by means of such threatening letter or writing, any property, money, security, or other valuable thing, from any person whatever, or any letter or writing threatening to kill or murder any other person, or to burn or destroy any house, barn, or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, or shall knowingly procure, counsel, aid, or abet the commission of the said offences or either of them, every such offender shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned, with or without hard labour, for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

11. That if any person shall accuse or threaten to accuse either the person to whom such accusation or threat shall be made or any other person of any of the crimes hereinbefore specified, with the view or intent in any of the cases last aforesaid to extort or gain from such person so accused or threatened to be accused, or from any other person whatever, any property, money, security, or other valuable thing, every such offender shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be transported beyond the seas for life, or for any term not less than seven years, or to be imprisoned, with or without hard labour, for any term not exceeding four years, and, if a male, to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit), in addition to such imprisonment.

CAP. LXVII.

AN ACT to amend the Law as to the Custody of Offenders.

(9th July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of 5 Geo. 4. c. 84. as enacts that male offenders sentenced to transportation may be kept to hard labour out of England extended to offenders convicted in Ireland.*
2. *Offenders under sentence or order of transportation may be removed to any prison in Great Britain.*
3. *Act may be amended, &c.*

By this Act,

After reciting that by 5 Geo. 4. c. 84. it was enacted, that it should be lawful for His Majesty, by any Order or Orders in Council, to declare his royal will and pleasure that male offenders convicted in Great Britain, and being under sentence or order of transportation, should be kept to labour in any part of His Majesty's dominions out of England to be named in such Order or Orders in Council: And that it is expedient that it should be made lawful to remove to the same places of confinement any male offender convicted in Ireland who would have been removable thereunto if he had been convicted in Great Britain:—

It is Enacted,

I. That it shall be lawful for one of Her Majesty's Principal Secretaries of State to direct that any male offender convicted in Ireland, and being under sentence or order of transportation, may be removed to and confined and kept to labour in any such place of confinement out of England, in like manner as if he had been convicted in Great Britain; and every offender who shall be so removed shall continue in custody, and shall be kept to labour in the place of confinement to be so provided, or any other place of confinement to be from time to time provided by Her Majesty out of England, until Her Majesty shall otherwise direct, or until the offender shall be entitled to his liberty; and that all the enactments of the said Act relating to the returns to be made concerning every person in custody in each of such places of confinement, and the powers and duties of the superintendent and overseer having the custody of any such offender, and to the treatment of such offenders while so confined, and the time during which they shall be so confined, shall, subject to the amendments made in the said Act, by an Act, 9 & 10 Vict. c. 26, intituled 'An Act for abolishing the Office of Superintendent of Convicts under Sentence of Transportation,' apply to all such male offenders convicted in Ireland and removed under the authority of this Act, as if they had been convicted in Great Britain and removed under the authority of the first-recited Act to such places of confinement.

II. That it shall be lawful for Her Majesty, by an order in writing, to be notified in writing by one of Her Majesty's Principal Secretaries of State, to direct that any persons under sentence or order of transportation within Great Britain shall be removed from the prisons in which they are severally confined to any other of Her Majesty's prisons or penitentiaries in Great Britain, there to be confined for such time as Her Majesty by any such order notified as aforesaid shall direct, not exceeding the time for which they might have been lawfully confined in the prisons from which they shall have been severally removed; and the expense of maintaining any such person in the prison to which he shall be removed under this Act, and any other additional expense incurred in such prison by such removal and confinement, shall be defrayed in like manner as the expense of maintaining any such person in any place of confinement appointed under the first-recited Act.

III. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXVIII.

AN ACT to suspend until the First Day of *October* One thousand eight hundred and forth-eight the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

(12nd July 1847.)

By this Act,

- I. General and subdivision meetings relating to the militia suspended until the 1st of October 1848.
- II. Proceedings may be had during such suspension by Order in Council.
- III. Act to extend to wardens of stannaries and to corps of miners.
- IV. Act may be amended, &c.

CAP. LXIX.

AN ACT for the more effectual Taxation of Costs on Private Bills in the House of Commons.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Act 6 Geo. 4. c. 123. repealed.*
2. *Parliamentary agent, attorney, or solicitor not to sue for costs until one month after delivery of his bill.—Evidences of delivery of bill.—Power to Judge to authorize action before expiration of one month.*
3. *Taxing officer to be appointed by the Speaker.*
4. *The Speaker to prepare list of charges thenceforth to be allowed.*
5. *Taxing officer empowered to examine parties and witnesses on oath.*
6. *Taxing officer empowered to call for books and papers.*
7. *Taxing officer to take such fees as may be allowed by House of Commons.—Application of fees.*
8. *On application of party chargeable or on application of parliamentary agent, attorney or solicitor, the taxing officer to tax the bill.—No application to be entertained by taxing officer after verdict obtained.*
9. *Taxing officer to report to the Speaker.—If either party complain of report, they may deposit a memorial, and the Speaker may require a further report.—If no memorial deposited, Speaker may issue certificate of the amount found due.—Certificate to have the effect of a warrant to confess judgment.*
10. *Construction of certain words in this Act.*
11. *Form of citing the Act.*
12. *Act may be amended, &c.*

By this Act,

After reciting the passing of 6 Geo. 4. c. 123: And that it is expedient to repeal the same, and to make more effectual provision for taxing the costs and expenses to be charged by parliamentary agents, attorneys, solicitors, and others in future sessions of Parliament in respect of bills subject to the payment of fees in Parliament, commonly called private bills, and to be incurred in complying with the Standing Orders of the House of Commons relative to such bills, and in preparing, bringing in, and carrying the same through, or in opposing the same in, the House of Commons:—

It is Enacted,

I. That, except as to any costs, charges, and expenses which shall have been incurred in the present or any preceding session of Parliament, the said recited Act shall be repealed: Provided always, that the repeal of the said recited Act shall not be construed to revive any Act or any provision thereof which was thereby repealed.

II. That no parliamentary agent, attorney, or solicitor, nor any executor, administrator, or assignee of any parliamentary agent, attorney, or solicitor, shall commence or maintain any action or suit for the recovery of any costs, charges, or expenses in respect of any proceedings in the House of Commons in any future session of Parliament relating to any petition for a private bill, or private bill, or in respect of complying with the Standing Orders of the said house relative thereto, or in preparing, bringing in, and carrying the same through, or opposing the same in, the House of Commons, until the expiration of one month after such parliamentary agent, attorney, or solicitor, or executor, administrator, or assignee of such parliamentary agent, attorney, or solicitor, has delivered unto the party to be charged therewith, or sent by post to or left for him at his counting-house, office of business, dwelling house, or last known place of abode, a bill of such costs, charges, and expenses, and which bill shall either be subscribed with the proper hand of such parliamentary agent, attorney, or solicitor, or in the case of a partnership by any of the partners, either with his own name or with the name of such partnership, or of the executor, administrator or assignee of such parliamentary agent, attorney, or solicitor, or be inclosed in or accompanied by a letter subscribed in like manner referring to such bill: Provided always, that it shall not in any case be necessary, in the first instance, for such parliamentary agent, attorney, or solicitor, or the executor, administrator, or assignee of such parliamentary agent, attorney, or solicitor, in proving a compliance with this Act to prove the contents of the bill delivered, sent, or left by him, but it shall be sufficient to prove that a bill of costs, charges, and expenses subscribed in manner aforesaid, or inclosed in or accompanied by such letter as aforesaid, was delivered, sent, or left in manner aforesaid; but nevertheless it shall be competent for the other party to shew that the bill so delivered, sent, or left was not such a bill as constituted a *bond fide* compliance with this Act: Provided also, that it shall be lawful for any Judge of the superior courts of law or equity in England or Ireland, or of the Court of Session in Scotland, to authorize a parliamentary agent, attorney, or solicitor to commence an action or suit for the recovery of his costs, charges, and expenses against the party chargeable therewith, although one month has not expired from the delivery of a bill as aforesaid, on proof to the satisfaction of the said Judge that there is probable cause for believing that such party is about to quit that part of the United Kingdom in which such Judge hath jurisdiction.

III. That the Speaker of the House of Commons shall appoint a fit person to be the taxing officer of the House of Commons, and every person so appointed shall hold his office during the pleasure of the Speaker, and shall execute the duties of his office conformably to such directions as he may from time to time receive from the Speaker.

iv. That the Speaker may from time to time prepare a list of such charges as it shall appear to him that, after the present session of Parliament, parliamentary agents, attorneys, solicitors, and others may justly make with reference to the several matters comprised in such list; and the several charges therein specified shall be the utmost charges thenceforth to be allowed upon the taxation of any such bill of costs, charges, and expenses in respect of the several matters therein specified: Provided always, that the said taxing officer may allow all fair and reasonable costs, charges, and expenses in respect of any matters not included in such list.

v. That for the purpose of any such taxation the said taxing officer may examine upon oath any party to such taxation, and any witnesses who may be examined in relation thereto, and may receive affidavits, sworn before him or before any Master or Master extraordinary of the High Court of Chancery, relative to such costs, charges, or expenses; and any person who on such examination on oath, or in any such affidavit, shall wilfully or corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

vi. That the said taxing officer shall be empowered to call for the production of any books or writings in the hands of any party to such taxation relating to the matters of such taxation: Provided always, that nothing herein contained shall be construed to authorize such taxing officer to determine the amount of fees which may have been payable to the House of Commons in respect of the proceedings upon any private bill.

vii. That it shall be lawful for the said taxing officer to demand and receive for any such taxation such fees as the House of Commons may from time to time by any standing order authorize and direct, and to charge the said fees, and also to award costs of such taxation against either party to such taxation, or in such proportion against each party as he may think fit, and he shall pay and apply the fees so received by him in such manner as shall be directed by any such standing order as aforesaid.

viii. That if any person upon whom any demand shall be made by any parliamentary agent, attorney, or solicitor, or executor, administrator, or assignee of such parliamentary agent, attorney, or solicitor, or other person, for any costs, charges, or expenses in respect of any proceedings in the House of Commons in any future session of Parliament relating to any petition for a private bill, or private bill, or in respect of complying with the Standing Orders of the said House relative thereto, or in preparing, bringing in, or carrying the same through, or in opposing the same in the House of Commons, or if any parliamentary agent, attorney, or solicitor, or the executor, administrator, or assignee of such parliamentary agent, attorney, or solicitor, or other person, who shall be aggrieved by the non-payment of any costs, charges, and expenses incurred or charged by him in respect of any such proceedings as aforesaid, shall make application to the said taxing officer at his office for the taxation of such costs, charges, and expenses, the said taxing officer, on receiving a true copy of the bill of such costs, charges, and expenses which shall have been duly delivered, as aforesaid to the party charged therewith, shall in due course proceed to tax and settle the same; and upon every such taxation, if either the parliamentary agent, attorney, or solicitor, or the executor, administrator, or assignee of such parliamentary agent, attorney, or solicitor, or other person by whom such demand shall be made as aforesaid, or the party charged with such bill of costs, charges, and expenses, having due notice, shall refuse or neglect to attend such taxation, the said taxing officer may proceed to tax and settle such bill and demand *ex parte*; and if pending such taxation any action or other proceeding shall be commenced for the recovery of such bill of costs, charges, and expenses, the Court or Judge before whom the same shall be brought shall stay all proceedings thereon until the amount of such bill shall have been duly certified by the Speaker as herein-after provided: Provided always, that no such application shall be entertained by the said taxing officer if made by the party charged with such bill after a verdict shall have been obtained or a writ of inquiry executed in any action for the recovery of the demand of any such parliamentary agent, attorney, or solicitor, or the executor, administrator, or assignee of such parliamentary agent, attorney, or solicitor, or other person, or after the expiration of six months after such bill shall have been delivered, sent, or left as aforesaid: Provided also, that if any such application shall be made after the expiration of six months as aforesaid, it shall be lawful for the Speaker, if he shall so think fit, on receiving a report of special circumstances from the said taxing officer, to direct such bill to be taxed.

ix. That the said taxing officer shall, if required by either party, report his taxation to the Speaker, and in such report shall state the amount fairly chargeable in respect of such costs, charges, and expenses, together with the amount of costs and fees payable in respect of such taxation as aforesaid; and within twenty-one clear days after any such report shall have been made either party may deposit in the office of the said taxing officer a memorial, addressed to the Speaker, complaining of such report or any part thereof, and the Speaker may, if he shall so think fit, refer the same, together with such report, to the said taxing officer, and may require a further report in relation thereto, and on receiving such further report may direct the said taxing officer, if necessary, to amend his report; and if no such memorial be deposited as aforesaid, or so soon as the matters complained of in any such memorial shall have been finally disposed of, the Speaker shall, upon application made to him, deliver to the party concerned therein, and requiring the same, a certificate of the amount so ascertained, which certificate shall be binding and conclusive on the parties as to the matters comprised in such taxation, and as to the amount of such costs, charges, and expenses, and of the costs and fees payable in respect of such taxation, in all proceedings at law or in equity or otherwise; and in any action or other proceeding brought for the recovery of the amount so certified such certificate shall have the effect of a warrant of attorney to confess judgment; and the Court in which such action shall be commenced, or any Judge thereof, shall, on production of such certificate, order judgment to be entered up for the sum specified in such certificate in like manner as if the defendant in any such action had signed a warrant to confess judgment in such action to that amount: Provided always, that if such defendant shall have pleaded that he is not liable to the payment of such costs, charges, and expenses, such certificate shall be conclusive only as to the amount thereof which shall be payable by such defendant in case the plaintiff shall in such action recover the same.

x. That in the construction of this Act the word "month" shall be taken to mean a calendar month; and every word importing the singular number only shall extend and be applied to several persons, matters, or things as well as one person, matter, or thing; and every word importing the plural number shall extend and be applied to one person, matter, or thing as well as several persons, matters, or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male; and the word "person" shall extend to any body politic, corporate, or collegiate, municipal, civil, or eccle-

statistical, aggregate or sole, as well as an individual; and the word "oath" shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other person allowed by law to make a declaration instead of taking an oath; unless in any of the cases aforesaid it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

XI. That in citing this Act in other Acts of Parliament, and in legal and other instruments, it shall be sufficient to use the expression "The House of Commons Costs Taxation Act, 1847."

XII. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXX.

AN ACT to amend the Law as to the School Attendance of Children employed in Print Works.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Sections 23, 24, and 25, and part of Schedule (A.) of recited Act repealed.*
2. *Schoolmaster to keep a register of children's attendance.*
3. *Occupiers of print works to obtain certificate from schoolmaster of child's attendance at school.*
4. *Certificate to be given according to Schedule.*
5. *Acts to be construed together.*
6. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient that so much of 8 & 9 Vict. c. 29; as relates to the school attendance of children employed in print works, should be amended:—

It is Enacted,

- I. That those parts of the said Act which in the copies thereof printed by the Queen's printer are printed as separate clauses and severally numbered XXIII., XXIV., and XXV., and also so much of the Schedule annexed to the said Act marked (A.) as relates to certificates of school attendance, shall be repealed from and after the 1st of August 1847; provided, that all certificates given before the said 1st of August shall be as valid as if this Act had not been passed, and all offences committed before the said 1st of August against any of the enactments hereby repealed shall be dealt with and punished as if this Act had not been passed.
- II. That the master of any school which shall be attended by children employed in a print work shall keep a register of their names and attendance, and if the inspector of the district shall disapprove of the form of register adopted by the schoolmaster it shall be kept in such other form as the inspector may direct.
- III. That after the said 1st of August the occupier of every print work shall, before employing any child therein, obtain from a schoolmaster a certificate, according to one of the forms and according to the directions given in the Schedule marked (A.) to this Act annexed, that such child had attended school for at least thirty days and not less than one hundred and fifty hours during the half-year immediately preceding the first day of the employment of such child, or if it shall have left the said print works and shall be again employed therein, the said school attendance shall have been during the half-year immediately preceding the first day of such re-employment, and such school attendance shall be after the hour of eight of the clock in the morning, and before the hour of six of the clock in the evening; but no attendance of less than two and a half hours on any one day shall be reckoned as any part of the said one hundred and fifty hours, nor shall any attendance on any one day for more than five hours be reckoned for more than five hours; and a like certificate shall be obtained at the beginning of each period of six calendar months during which the employment of such child shall be continued in that print work; and such occupier shall keep every such certificate so long as such child shall continue in his employment for twelve calendar months after the date thereof, and shall produce the same to any inspector or sub-inspector when required during such period.
- IV. That from and after the said 1st of August the forms of certificates of school attendance of children employed in print works shall be in one of the forms given in the Schedule marked (A.) annexed to this Act.
- V. That this Act and the said Act as amended by this Act shall be construed together as one Act.
- VI. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULE to which the foregoing Act refers.

SCHEDULE (A.)

I. FORM of SCHOOL CERTIFICATES for ONE CHILD.

I HEREBY certify, that the Child *A.B.*, Son [or Daughter] of *C.D.* and *E.F.*, residing in _____ attended
the School kept by me at _____ for the Number of Hours and at the Time on each Day specified in the
Columns opposite to his [or her] name.

During the several Weeks ending the Day, Month, and Year stated in the First Column.

| Week ending Saturday. | | | Monday. | | Tuesday. | | Wednesday. | | Thursday. | | Friday. | | Saturday. | | Total No. of Hours during this Week | Signa- ture of School- master. | Date of signing. |
|-----------------------|--------|-------|---------|----|----------|----|------------|----|-----------|----|---------|----|-----------|----|--|---|------------------------|
| Day. | Month. | Year. | From | To | From | To | From | To | From | To | From | To | From | To | | | |
| | | | | | | | | | | | | | | | | | |

No Part of the School Attendance certified shall be valid for a longer time than Six Months after the Date of such Attendance; and if a Child for whom this Form of Certificate has been given shall cease to be employed in the Print Work to the Occupier of which such School Certificate was delivered, the Child's Parent, or any Person having direct Benefit from the Wages of such Child, shall be entitled on Demand to have the said Certificate restored to him.

II. FORM of SCHOOL CERTIFICATE which may be used when two or more Children employed in the same Print Work attend the same School.

I HEREBY certify, That the Children whose Names are under-written, employed in the Print Work of _____ at
in the Parish of _____ and County of _____ attended for the number of Hours
and at the Time specified in the Columns opposite to their respective Names, at the School kept by me at
in the Parish of _____ and County of _____

During the Week ending on Saturday the _____ Day of _____ 18 .

| Child's Name. | | Monday. | | Tuesday. | | Wednesday. | | Thursday. | | Friday. | | Saturday. | | Total No. of Hours during this Week. |
|---------------|-----------------|---------|----|----------|----|------------|----|-----------|----|---------|----|-----------|----|---|
| Surname. | Christian Name. | From | To | From | To | From | To | From | To | From | To | From | To | |
| | | | | | | | | | | | | | | |

This

Day of

18 .

Signed

Schoolmaster.

GENERAL DIRECTIONS APPLICABLE TO BOTH FORMS.

In the Columns headed with the Days of the Week, the Hours of Attendance shall be stated; as thus, from Nine to Twelve, or, from Two to Five, or any other Time, as the Case may be; and the Schoolmaster shall, in his own Handwriting, fill up the Date when the Week ends during any Part of which the Child shall have attended his School.

The Hours of School Attendance, or the Word "Absent," shall be stated in the Column for each Day, in the Handwriting of the Schoolmaster; and no Certificate shall be valid, unless the Schoolmaster shall in his own Handwriting subscribe to it his Christian and Surname in full, affixing the Date when he signs the same.

CAP. LXXI.

AN ACT to authorize Her Majesty to assent to a certain Bill of the Legislative Council and Assembly of the Province of *Canada*, for granting a Civil List to Her Majesty; and to repeal certain Parts of an Act for re-uniting the Provinces of *Upper* and *Lower Canada*, and for the Government of *Canada*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Her Majesty empowered, with the advice of her Council, to assent to the reserved bill.*
2. *If Her Majesty shall assent to the said reserved bill, certain provisions in the recited Act repealed.*
3. *Act may be amended, &c.*

By this Act,

After reciting that the Legislative Council and the Legislative Assembly of the province of Canada, constituted and assembled by virtue of and under the authority of 3 & 4 Vict. c. 35, did, in the year 1846, pass a bill, intituled 'An Act for granting a Civil List to Her Majesty,' of which bill a copy is contained in the Schedule to this present Act annexed: And that the said bill was presented for Her Majesty's assent to the then Governor of the said province of Canada; and the said Governor did thereupon declare that he reserved the said bill for the signification of Her Majesty's pleasure thereon: And that it is by the final provision of the said reserved bill provided that the foregoing provisions thereof shall have no force or effect until such parts as are therein mentioned of the said recited Act of Parliament shall have been repealed: and that it is not competent to Her Majesty to assent to the said reserved bill without the express authority of Parliament for that purpose, inasmuch as the said bill is in certain respects repugnant to the said recited Act of Parliament: And that it is expedient that Her Majesty should be authorized to assent to the said reserved bill, and that so much and such parts as aforesaid of the said recited Act should thereupon be repealed:—

It is Enacted,

I. That it shall be lawful for Her Majesty, with the advice of Her Majesty's Privy Council, to assent to the said reserved bill anything in the said recited Act of Parliament or any law, statute, or usage to the contrary in anywise notwithstanding.

II. That if Her Majesty, with the advice of her Privy Council, shall assent as aforesaid to the said reserved bill, those parts of the first-recited Act which in the copies thereof printed by the Queen's printer are printed as separate clauses, and severally numbered I., II., III., LIV., LV., LVI., LVII., and also the Schedules annexed to the said first-recited Act, being the parts thereof mentioned or referred to in the said final provision of the said reserved bill, shall be repealed upon and from the day on which the said reserved bill (being first so assented to by Her Majesty in Council) shall take effect in the said province.

III. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULE.

AN ACT for granting a CIVIL LIST to HER MAJESTY.

Most Gracious Sovereign:

WHEREAS Your Majesty has been most graciously pleased to declare to Your faithful Canadian Commons, in Provincial Parliament assembled, Your Majesty's gracious Desire to owe to the spontaneous Liberality of Your Canadian People such Grant, by way of Civil List, as shall be sufficient to give Stability and Security to the great Civil Institutions of the Province, and to provide for the adequate Remuneration of able and efficient Officers in the executive, judicial, and other Departments of Your Majesty's public provincial Service, the granting of which Civil List constitutionally belongs only to Your Majesty's faithful Canadian People in their Provincial Parliament.

We, therefore, Your Majesty's most dutiful and loyal Subjects, the Commons of Canada, in Provincial Parliament assembled, desirous that a certain competent Revenue for the Purpose may be settled upon Your Majesty (to whom may God grant a long

and happy Reign) as a Testimony of our unfeigned Affection to your sacred Person and Government, have accordingly freely resolved to grant unto Your Majesty a certain Revenue, payable out of the Consolidated Revenue Fund of this Province; we do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Legislative Council, and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the Authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled 'An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada;' and it is hereby enacted, by the Authority of the same, That all Duties and Revenues over which the respective Legislatures of Upper Canada or Lower Canada had before the passing of the Act of the Imperial Parliament intitled 'An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,' or over which the Legislature of this Province has or may have Power of Appropriation, shall form One Consolidated Revenue Fund, to be appropriated for the Public Service of this Province in the Manner and subject to the Charges hereinafter mentioned.

That the Consolidated Revenue Fund of this Province shall be permanently charged with all the Costs, Charges, and Expenses incident to the Collection, Management, and Receipt thereof, such Costs, Charges, and Expenses being subject, nevertheless, to be reviewed and audited in such Manner as shall be directed by any Act of the Legislature.

That there shall be payable in every Year to Her Majesty, her Heirs and Successors, out of the Consolidated Revenue Fund of this Province, a Sum not exceeding Thirty-four thousand six hundred and thirty-eight Pounds Fifteen Shillings and Four-pence Currency, for defraying the Expense of the several Services and Purposes named in the Schedule (A.) to this Act annexed; and during the Life of Her Majesty, and for Five Years after the Demise of Her Majesty, there shall be payable in every Year to Her Majesty, her Heirs and Successors, out of the said Consolidated Revenue Fund, a further Sum not exceeding Thirty-nine thousand two hundred and forty-five Pounds Sixteen Shillings Currency, for defraying the Expense of the several Services and Purposes named in the Schedule marked (B.) to this Act annexed; the said Sums of Thirty-four thousand six hundred and thirty-eight Pounds Fifteen Shillings and Four-pence and Thirty-nine thousand two hundred and forty-five Pounds Sixteen Shillings to be issued by the Receiver General in discharge of such Warrant or Warrants as shall be from Time to Time directed to him under the Hand and Seal of the Governor; and the said Receiver General shall account to Her Majesty for the same, through the Lords Commissioners of Her Majesty's Treasury, in such Manner and Form as Her Majesty shall be graciously pleased to direct.

That the Sums set down in the first column opposite to each office or department in the said Schedules (A.) and (B.) shall be payable for each, while the present Incumbents shall respectively remain in office; and as often as any such present Incumbent shall cease to hold such Office the Sums respectively mentioned in the First Column shall cease to be payable, and the Sums mentioned in the Second Column shall, as each Case arises, be payable instead, as in the said Schedules mentioned.

That it shall be lawful for the Governor to abolish any of the Offices named in the Schedule (B.), or to vary the Sums thereby appropriated to such Purposes connected with the Administration of the Government of this Province as to Her Majesty, Her Heirs and Successors, shall seem fit; and that Accounts in detail of the Expenditure of the several Sums expended under the Authority of this Act shall be laid before both Houses of the Legislature within Thirty Days from the Beginning of the Session next after such Expenditure shall be made: Provided always, that not more than Two thousand two hundred and twenty-two Pounds Two Shillings and Four-pence shall be payable at the same Time for Pensions to the Judges out of the Sum mentioned in the said Schedule (A.), and that not more than Five thousand five hundred and fifty-five Pounds Eleven Shillings and One Penny shall be payable at the same Time for Pensions out of the Sum mentioned in Schedule (B.); and that a List of all such Pensions, and of the Persons to whom the same shall have been granted, shall be laid in every Year before the Legislature.

That during the time for which the said several Sums mentioned in the said Schedules are severally payable, the same shall be accepted and taken by Her Majesty, by way of Civil List, instead of all territorial and other Revenues now at the Disposal of the Crown arising in this Province; and that Three Fifths of the net Produce of the said Territorial and other Revenues now at the Disposal of the Crown within this Province shall be paid over to the Account of the said Consolidated Revenue Fund; and also that during the Life of Her Majesty, and for Five Years after the Demise of Her Majesty, the remaining Two Fifths of the net produce of the said Territorial and other Revenues now at the Disposal of the Crown within this Province shall also be paid over in like Manner to the Account of the said Consolidated Revenue Fund.

That the Consolidation of the Duties and Revenues of this Province shall not be taken to affect the Payment out of the said Consolidated Revenue Fund of any Sum or Sums heretofore charged upon the Rates and Duties now raised, levied, and collected, or to be raised, levied, and collected, to and for the Use of either of either of the former Provinces of Upper or Lower Canada, or of this Province, for such Time as shall have been appointed by the several Acts of the Legislature of the Province by which such Charges were severally authorized.

That it shall not be lawful for the Legislative Assembly to originate or pass any Vote, Resolution, or Bill for the Appropriation of any Part of the said Consolidated Revenue Fund, or of any other Tax or Impost, to any Purpose which shall not have been first recommended by a Message of the Governor to the said Legislative Assembly during the Session in which such Vote, Resolution, or Bill shall be passed.

Provided and enacted, That the foregoing provisions of this Act shall have no force or effect until the 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, and 57th sections of the Act of the Parliament of the United Kingdom of Great Britain and Ireland, intitled 'An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada,' and the Schedules referred to in the said Sections, shall have been repealed.

SCHEDULE (A.)

| OFFICES, &c. | Amount payable while the present Incumbent is in Office. Currency. | Amount to be allowed in future as Vacancies occur by Removal of the present Incumbents. Currency. |
|--|---|--|
| Governor General, to be in lieu of Fees, Seizures, and Forfeitures, 7,000 <i>l.</i> Sterling | £. s. d. 7,777 15 6 | £. s. d. 7,777 15 6 |
| UPPER CANADA. | | |
| One Chief Justice | 1,666 13 4 | 1,250 0 0 |
| Four Puisné Judges, at 1,000 <i>l.</i> each | 4,000 0 0 | 4,000 0 0 |
| One Vice Chancellor | 1,250 0 0 | 1,111 2 2 |
| LOWER CANADA. | | |
| One Chief Justice of Lower Canada | 1,666 13 4 | 1,250 0 0 |
| Three Puisné Judges at Quebec, at 1,000 <i>l.</i> each | 3,000 0 0 | 3,000 0 0 |
| One Chief Justice of Montreal or of Quebec, as the Case may be | 1,222 4 4 | 1,200 0 0 |
| Three Puisné Judges at Montreal, at 1,000 <i>l.</i> each | 3,000 0 0 | 3,000 0 0 |
| One Judge at Three Rivers | 1,000 0 0 | 500 0 0 |
| One Judge of the District of St. Francis | 555 11 1 | 500 0 0 |
| First Judge, District of Gaspé | 555 11 1 | 500 0 0 |
| Second Judge, District of Gaspé | 500 0 0 | 500 0 0 |
| Pensions to Judges | 2,222 2 4 | 2,222 2 4 |
| Attorneys and Solicitors General, Salaries and Allowances for Contingencies | 3,900 0 0 | 3,900 0 0 |
| Court of Vice-Admiralty | 472 4 4 | 470 0 0 |
| Circuit Allowances to Judges | 1,550 0 0 | 1,550 0 0 |
| Permanent Clerk attached to Crown Law Department | 300 0 0 | 300 0 0 |
| Totals, Currency £ | 34,638 15 4 | 33,031 0 0 |

SCHEDULE (B.)

| OFFICERS, &c. | Amount payable while the present Incumbents are respectively in Office. Currency. | Amount to be allowed in future as Vacancies occur by Removal of the present Incumbents. Currency. |
|--|--|--|
| Governor's Secretary, and his Office | £. s. d. 1,925 8 6 | £. s. d. 1,536 0 0 |
| Provincial Secretary, and his Office | 4,423 1 10 | 4,242 0 0 |
| Registrar's Office, to merge in the Provincial Secretary's Office after the present Incumbency | 1,083 6 6 | 650 0 0 |
| Receiver General's Office | 2,300 8 8 | 2,056 0 0 |
| Inspector General, and his Office | 4,022 13 4 | 3,856 0 0 |
| Executive Council Office | 2,922 4 4 | 2,637 0 0 |
| Board of Management of Public Works | 2,994 17 7 | 2,000 0 0 |
| Emigrant Agent | 752 4 2 | 752 4 2 |
| Pensions | 5,555 11 1 | 5,555 11 1 |
| Indian Annuities | 6,666 0 0 | 6,666 0 0 |
| Contingencies of Public Offices | 7,500 0 0 | 7,500 0 0 |
| Totals, Currency £ | 39,245 16 0 | 37,450 15 3 |

CAP. LXXII.

An ACT for the further Amendment of the Laws relating to Turnpike Roads in *South Wales*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of 7 & 8 Vict. c. 91. as requires high constables to act in collection of county road rates repealed, and 7 & 8 Vict. c. 33. deemed to apply.*
2. *County road rate to be collected by the same officers or parties as the county rate.*
3. *Clerks of the Peace to send copies of warrants of Justices to clerks of boards of guardians in certain cases.*
4. *Clerks of boards of guardians to ascertain the proportion which the county road rate forms of the poor rate assessment, and to give notice thereof to overseers.*
5. *Overseers to publish notice of the proportion so ascertained, and to give certificates to rate-payers of amount of road rate paid by them.*
6. *Clerk to the guardians empowered to call for rate books, &c.*
7. *Where a parish does not form part of a union, overseers to act in like manner as clerks to guardians.*
8. *Rate already made declared valid, but to be collected according to this Act.*
9. *Mode of measuring roads in reference to clearing of gates defined.*
10. *Power to fill up vacancies in county roads boards occasioned by non-attendance.*
11. *Regulation of roads of prestigne trusts situate in the county of Radnor, acting under 3 Geo. 4. c. xvi.*
12. *Compensation to be made to trustees of prestigne trust.*
13. *Certain parts of the road near Swansea to be in future under the management of the county roads board of Glamorgan.*
14. *31 Geo. 3. c. 106, and 9 Geo. 4. c. cvi. repealed.*
15. *Commencement of Act.*
16. *Act to be construed in like manner as 7 & 8 Vict. c. 61, and 8 & 9 Vict. c. 91.*
17. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient to amend 7 & 8 Vict. c. 91: and that by the said Act provision is made for the assessing, levying, and collecting of a rate for the purposes of the said Act, to be termed a county road rate, and also for the levying and collecting of tolls, and the distances within which it shall be lawful to collect the same, and for other purposes: And that difficulty has been found in carrying these and other provisions of the said Act into execution:—

It is Enacted,

i. That so much of the said recited Act as requires the high constables of any hundred or division to perform any part or duty in the levying or collecting of any county road rates, or to act in anywise therein, shall be and is hereby repealed, and the provisions of an Act, 7 & 8 Vict. c. 33, intituled 'An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties,' shall be deemed to apply to such county road rates in like manner as to any county rates.

ii. That whenever the Justices of the Peace in any of the counties in South Wales to which the said first-recited Act applies shall in conformity with the provisions and for the purposes of the said Act, order a county road rate to be assessed and collected with and as part of the county rate for any of the said counties respectively, they shall cause the same to be collected by the same officers or parties as shall for the time being collect the county rate; and in every precept or warrant to be issued for the collection of the said county rate and county road rate jointly, the amount assessed upon each parish, township, or other place in respect of each of such rates shall be set forth separately.

iii. That in any case in which the Justices of any such county shall not issue their precept to the guardians of any union for the payment of the county rate to the treasurer of the county, in conformity with the statute in that behalf, then and in such case the clerk of the peace of such county shall, so soon as the warrants for the collection of the county rate and of the county road rate shall have been issued, send a copy of every such warrant which shall relate to any parish or other place comprised in such union to the clerk to the guardians of such union.

iv. That the clerk to the board of guardians of every union either wholly or in part contained within the several counties to which such first-recited Act applies, upon the receipt of the precept of the Justices or of the copy of the warrant, as the case may be, shall (so soon as the sum stated therein shall have been paid in pursuance of the precept or warrant) compare the amount of the county road rate assessed upon each parish or other place within his union with the amount of the last assessment which shall have been allowed by the Justices for the purpose of being levied in such parish or place for the relief of the poor out of which the said sum shall have been paid, and shall ascertain the proportionate amount in the pound which such county road rate bears in reference to the whole amount of the said assessment, and shall forthwith transmit to the overseers of such parish or place, or to the assistant overseers or collectors, if any there be, a statement of such proportionate amount; and every such clerk shall receive for his trouble therein such compensation, out of the monies to be raised by such county road rate, as the Justices at their General Quarter Sessions assembled shall deem fit.

v. That the overseers, assistant overseers, or collectors shall, upon receipt of such statement as aforesaid, give and publish notice, in like manner as parochial notices are usually given and published in such parish or place, of the proportionate amount in the pound of the county road rate so stated by the said clerk to the guardians; and the said overseers, assistant overseers, or collectors who shall be entitled to receive or shall have received the last rate upon which the proportion shall have been ascer-

tained as aforesaid shall, upon request of any party who shall have paid any rate contained in such assessment, compute and certify in writing the sum which such party has contributed to the county road rate out of the sum so paid, according to the proportion declared by the said clerk as aforesaid; and such certificate shall be signed by such overseer, assistant overseer, or collector; and the sum therein stated to have been contributed to the county road rate shall, if correctly computed, be the sum which the occupier shall be empowered to deduct from the next payment of his rent, according to the provisions of the said first-recited Act; and any overseer, assistant overseer, or collector who shall refuse to give any such certificate as aforesaid, upon demand of the person entitled to receive the same, shall be liable to a penalty not exceeding 20s., upon conviction before the Justices of the county in which the parish shall be situated, to be recovered and applied as penalties under the Act, 5 Will. 4., for the amendment of the laws for the relief of the poor.

VI. That the said clerk to the guardians shall be empowered to call upon the overseers, or other persons having the custody thereof, for the rate or rate books, which he shall require for the purpose aforesaid, as and when he shall so require them, giving reasonable notice for the same; and every person having the custody thereof who shall wilfully neglect or refuse to allow him to have or inspect the same for such purpose shall be liable to forfeit and pay a sum not exceeding 5*l.*, upon conviction before the Justices of the county in which the parish shall be situated, to be recovered and applied as penalties under the Act, 5 Will. 4., for the amendment of the laws for the relief of the poor.

VII. That in the case of any parish or place not forming part of any union under the laws relating to the relief of the poor, all the acts, matters, and things hereby directed to be done and performed by the clerk to the board of guardians shall, so far as the same are practicable, be done and performed in like manner by the overseers or other persons empowered by law to levy the county rates, police rates, or other rates in such parish or place for the time being.

And after reciting that before the passing of this Act certain rates have been made, and certain sums of money have been ordered by the Justices of certain of the said counties, in Quarter Sessions assembled, to be levied and collected as and for county road rate, but by reason of the difficulties before mentioned in carrying the said first-recited Act into operation the same could not be or have not been collected:—

It is Enacted,

VIII. That such rates shall be deemed to be good and valid, but the said Justices shall issue new precepts or warrants for the levying and collecting of the same, or such parts thereof as shall not have been levied or collected, to the guardians, overseers, or other persons empowered by law to collect the same under the provisions of the said secondly-recited Act and of this Act; and the provisions and regulations in this Act contained shall apply to the said last-mentioned rates, in like manner as to any rates to be hereafter made.

IX. And after reciting that by the said recited Act it is enacted, "that from and after the repeal of the said local Acts respectively, when any toll shall have been once taken in respect of any horse or other animal not drawing, or of any horse or other animal drawing any carriage or vehicle at any toll gate or bar within any of the said counties, no toll shall thereafter be taken in respect of the same horse or other animal, or in respect of the same carriage or other vehicle, on the same day (to be computed from twelve of the clock of the night to twelve of the clock in the next succeeding night) for repassing through the same gate or bar, or for passing or repassing through any other gate or bar in the same county, within the distance of seven miles from the gate or bar at which such toll shall have been taken (such distance measured along turnpike roads only), nor for passing or repassing through any gate or bar in any other of the said counties adjoining within the distance of two miles from the gate or bar at which such toll shall have been taken, to be measured as aforesaid, along and in respect of turnpike roads within either of such counties:" And that doubts have arisen in what manner and along what description of roads such distances respectively ought to be measured, and whether portions of road within the boundaries of cities or towns separately maintaining their own roads, and also whether county bridges and the approaches thereto, and ferries, ought to be included in or excluded from such measurement; for the removal of such doubts it is hereby declared and enacted as follows; (that is to say,)

Wherever there is a continuous line of turnpike road between two turnpike gates such distances shall be measured along such continuous turnpike road:

A turnpike road shall be deemed to be continuous, for the purpose of such measurement, notwithstanding that any county bridge or the approaches thereto, or any ferry, or any roads within the limits of any city or town which may be maintained by any local commissioners, or which may be separately maintained according to the provisions of the said recited Act, may intervene so as to form part of the line of such continuous turnpike road between two gates; and in any such case the portions of road upon or forming the approaches to such county bridge and such ferry shall be included; but the roads within the limits of any such city or town (if the same be a market town, but not otherwise,) shall be excluded from such measurement.

X. That if any member of any county roads board shall absent himself from the meetings of the said board for the space of twelve months continuously, the Justices of the Peace for such county shall, at any general Quarter Sessions held after the expiration of such period, elect and appoint another person in the room of such member, in like manner as if such member had died or resigned.

And after reciting that certain roads or portions of road included within the powers of an Act, 3 Geo. 4. c. xvi., intitled 'An Act for continuing the Term and altering the Powers of Three Acts for repairing the Roads leading from Ryeway in the Parish of Yaspole in the County of Hereford to Presteigne in the County of Radnor, and several other Roads therein mentioned in the said County of Radnor and in the Counties of Hereford and Salop,' are locally situated within the county of Radnor, and it is expedient that certain of the regulations applicable to the other roads within the said county should extend to and include the said first-mentioned roads:—

It is Enacted,

XI. That it shall and may be lawful for the trustees acting under the powers of the said recited Act to reduce the tolls payable at any turnpike gate on any of such first-mentioned roads situate within the said county to the amounts specified in the second

CAP. LXXII.

An ACT for the further Amendment of the Laws relating to Turnpike Roads in *South Wales*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of 7 & 8 Vict. c. 91. as requires high constables to act in collection of county road rates repealed, and 7 & 8 Vict. c. 33. deemed to apply.*
2. *County road rate to be collected by the same officers or parties as the county rate.*
3. *Clerks of the Peace to send copies of warrants of Justices to clerks of boards of guardians in certain cases.*
4. *Clerks of boards of guardians to ascertain the proportion which the county road rate forms of the poor rate assessment, and to give notice thereof to overseers.*
5. *Overseers to publish notice of the proportion so ascertained, and to give certificates to rate-payers of amount of road rate paid by them.*
6. *Clerk to the guardians empowered to call for rate books, &c.*
7. *Where a parish does not form part of a union, overseers to act in like manner as clerks to guardians.*
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12. *Compensation to be made to trustees of prestegne trust.*
13. *Certain parts of the road near Swansea to be in future under the management of the county roads board of Glamorgan.*
14. *81 Geo. 3. c. 106, and 9 Geo. 4. c. cvi. repealed.*
15. *Commencement of Act.*
16. *Act to be construed in like manner as 7 & 8 Vict. c. 61, and 8 & 9 Vict. c. 91.*
17. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient to amend 7 & 8 Vict. c. 91: and that by the said Act provision is made for the assessing, levying, and collecting of a rate for the purposes of the said Act, to be termed a county road rate, and also for the levying and collecting of tolls, and the distances within which it shall be lawful to collect the same, and for other purposes: And that difficulty has been found in carrying these and other provisions of the said Act into execution:—

It is Enacted,

I. That so much of the said recited Act as requires the high constables of any hundred or division to perform any part or duty in the levying or collecting of any county road rates, or to act in anywise therein, shall be and is hereby repealed, and the provisions of an Act, 7 & 8 Vict. c. 33, intituled 'An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties,' shall be deemed to apply to such county road rates in like manner as to any county rates.

II. That whenever the Justices of the Peace in any of the counties in South Wales to which the said first-recited Act applies shall in conformity with the provisions and for the purposes of the said Act, order a county road rate to be assessed and collected with and as part of the county rate for any of the said counties respectively, they shall cause the same to be collected by the same officers or parties as shall for the time being collect the county rate; and in every precept or warrant to be issued for the collection of the said county rate and county road rate jointly, the amount assessed upon each parish, township, or other place in respect of each of such rates shall be set forth separately.

III. That in any case in which the Justices of any such county shall not issue their precept to the guardians of any union for the payment of the county rate to the treasurer of the county, in conformity with the statute in that behalf, then and in such case the clerk of the peace of such county shall, so soon as the warrants for the collection of the county rate and of the county road rate shall have been issued, send a copy of every such warrant which shall relate to any parish or other place comprised in such union to the clerk to the guardians of such union.

IV. That the clerk to the board of guardians of every union either wholly or in part contained within the several counties to which such first-recited Act applies, upon the receipt of the precept of the Justices or of the copy of the warrant, as the case may be, shall (so soon as the sum stated therein shall have been paid in pursuance of the precept or warrant) compare the amount of the county road rate assessed upon each parish or other place within his union with the amount of the last assessment which shall have been allowed by the Justices for the purpose of being levied in such parish or place for the relief of the poor out of which the said sum shall have been paid, and shall ascertain the proportionate amount in the pound which such county road rate bears in reference to the whole amount of the said assessment, and shall forthwith transmit to the overseers of such parish or place, or to the assistant overseers or collectors, if any there be, a statement of such proportionate amount; and every such clerk shall receive for his trouble therein such compensation, out of the monies to be raised by such county road rate, as the Justices at their General Quarter Sessions assembled shall deem fit.

V. That the overseers, assistant overseers, or collectors shall, upon receipt of such statement as aforesaid, give and publish notice, in like manner as parochial notices are usually given and published in such parish or place, of the proportionate amount in the pound of the county road rate so stated by the said clerk to the guardians; and the said overseers, assistant overseers, or collectors who shall be entitled to receive or shall have received the last rate upon which the proportion shall have been ascer-

tained as aforesaid shall, upon request of any party who shall have paid any rate contained in such assessment, compute and certify in writing the sum which such party has contributed to the county road rate out of the sum so paid, according to the proportion declared by the said clerk as aforesaid; and such certificate shall be signed by such overseer, assistant overseer, or collector; and the sum therein stated to have been contributed to the county road rate shall, if correctly computed, be the sum which the occupier shall be empowered to deduct from the next payment of his rent, according to the provisions of the said first-recited Act; and any overseer, assistant overseer, or collector who shall refuse to give any such certificate as aforesaid, upon demand of the person entitled to receive the same, shall be liable to a penalty not exceeding 20s., upon conviction before the Justices of the county in which the parish shall be situated, to be recovered and applied as penalties under the Act, 5 Will. 4, for the amendment of the laws for the relief of the poor.

VI. That the said clerk to the guardians shall be empowered to call upon the overseers, or other persons having the custody thereof, for the rate or rate books, which he shall require for the purpose aforesaid, as and when he shall so require them, giving reasonable notice for the same; and every person having the custody thereof who shall wilfully neglect or refuse to allow him to have or inspect the same for such purpose shall be liable to forfeit and pay a sum not exceeding 5*l.*, upon conviction before the Justices of the county in which the parish shall be situated, to be recovered and applied as penalties under the Act, 5 Will. 4., for the amendment of the laws for the relief of the poor.

VII. That in the case of any parish or place not forming part of any union under the laws relating to the relief of the poor, all the acts, matters, and things hereby directed to be done and performed by the clerk to the board of guardians shall, so far as the same are practicable, be done and performed in like manner by the overseers or other persons empowered by law to levy the county rates, police rates, or other rates in such parish or place for the time being.

And after reciting that before the passing of this Act certain rates have been made, and certain sums of money have been ordered by the Justices of certain of the said counties, in Quarter Sessions assembled, to be levied and collected as and for county road rate, but by reason of the difficulties before mentioned in carrying the said first-recited Act into operation the same could not be or have not been collected:—

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IX. And after reciting that by the said recited Act it is enacted, "that from and after the repeal of the said local Acts respectively, when any toll shall have been once taken in respect of any horse or other animal not drawing, or of any horse or other animal drawing any carriage or vehicle at any toll gate or bar within any of the said counties, no toll shall thereafter be taken in respect of the same horse or other animal, or in respect of the same carriage or other vehicle, on the same day (to be computed from twelve of the clock of the night to twelve of the clock in the next succeeding night) for repassing through the same gate or bar, or for passing or repassing through any other gate or bar in the same county, within the distance of seven miles from the gate or bar at which such toll shall have been taken (such distance measured along turnpike roads only), nor for passing or repassing through any gate or bar in any other of the said counties adjoining within the distance of two miles from the gate or bar at which such toll shall have been taken, to be measured as aforesaid, along and in respect of turnpike roads within either of such counties:" And that doubts have arisen in what manner and along what description of roads such distances respectively ought to be measured, and whether portions of road within the boundaries of cities or towns separately maintaining their own roads, and also whether county bridges and the approaches thereto, and ferries, ought to be included in or excluded from such measurement; for the removal of such doubts it is hereby declared and enacted as follows; (that is to say,)

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X. That if any member of any county roads board shall absent himself from the meetings of the said board for the space of twelve months continuously, the Justices of the Peace for such county shall, at any general Quarter Sessions held after the expiration of such period, elect and appoint another person in the room of such member, in like manner as if such member had died or resigned.

And after reciting that certain roads or portions of road included within the powers of an Act, 3 Geo. 4. c. xvi., intituled 'An Act for continuing the Term and altering the Powers of Three Acts for repairing the Roads leading from Ryeway in the Parish of Yaspole in the County of Hereford to Presteigne in the County of Radnor, and several other Roads therein mentioned in the said County of Radnor and in the Counties of Hereford and Salop,' are locally situated within the county of Radnor, and it is expedient that certain of the regulations applicable to the other roads within the said county should extend to and include the said first-mentioned roads:—

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After reciting that it is expedient to amend 7 & 8 Vict. c. 91: and that by the said Act provision is made for the assessing, levying, and collecting of a rate for the purposes of the said Act, to be termed a county road rate, and also for the levying and collecting of tolls, and the distances within which it shall be lawful to collect the same, and for other purposes: And that difficulty has been found in carrying these and other provisions of the said Act into execution:—

It is Enacted,

I. That so much of the said recited Act as requires the high constables of any hundred or division to perform any part or duty in the levying or collecting of any county road rates, or to act in anywise therein, shall be and is hereby repealed, and the provisions of an Act, 7 & 8 Vict. c. 33, intituled 'An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties,' shall be deemed to apply to such county road rates in like manner as to any county rates.

II. That whenever the Justices of the Peace in any of the counties in South Wales to which the said first-recited Act applies shall in conformity with the provisions and for the purposes of the said Act, order a county road rate to be assessed and collected with and as part of the county rate for any of the said counties respectively, they shall cause the same to be collected by the same officers or parties as shall for the time being collect the county rate; and in every precept or warrant to be issued for the collection of the said county rate and county road rate jointly, the amount assessed upon each parish, township, or other place in respect of each of such rates shall be set forth separately.

III. That in any case in which the Justices of any such county shall not issue their precept to the guardians of any union for the payment of the county rate to the treasurer of the county, in conformity with the statute in that behalf, then and in such case the clerk of the peace of such county shall, so soon as the warrants for the collection of the county rate and of the county road rate shall have been issued, send a copy of every such warrant which shall relate to any parish or other place comprised in such union to the clerk to the guardians of such union.

IV. That the clerk to the board of guardians of every union either wholly or in part contained within the several counties to which such first-recited Act applies, upon the receipt of the precept of the Justices or of the copy of the warrant, as the case may be, shall (so soon as the sum stated therein shall have been paid in pursuance of the precept or warrant) compare the amount of the county road rate assessed upon each parish or other place within his union with the amount of the last assessment which shall have been allowed by the Justices for the purpose of being levied in such parish or place for the relief of the poor out of which the said sum shall have been paid, and shall ascertain the proportionate amount in the pound which such county road rate bears in reference to the whole amount of the said assessment, and shall forthwith transmit to the overseers of such parish or place, or to the assistant overseers or collectors, if any there be, a statement of such proportionate amount; and every such clerk shall receive for his trouble therein such compensation, out of the monies to be raised by such county road rate, as the Justices at their General Quarter Sessions assembled shall deem fit.

V. That the overseers, assistant overseers, or collectors shall, upon receipt of such statement as aforesaid, give and publish notice, in like manner as parochial notices are usually given and published in such parish or place, of the proportionate amount in the pound of the county road rate so stated by the said clerk to the guardians; and the said overseers, assistant overseers, or collectors who shall be entitled to receive or shall have received the last rate upon which the proportion shall have been ascer-

tained as aforesaid shall, upon request of any party who shall have paid any rate contained in such assessment, compute and certify in writing the sum which such party has contributed to the county road rate out of the sum so paid, according to the proportion declared by the said clerk as aforesaid; and such certificate shall be signed by such overseer, assistant overseer, or collector; and the sum therein stated to have been contributed to the county road rate shall, if correctly computed, be the sum which the occupier shall be empowered to deduct from the next payment of his rent, according to the provisions of the said first-recited Act; and any overseer, assistant overseer, or collector who shall refuse to give any such certificate as aforesaid, upon demand of the person entitled to receive the same, shall be liable to a penalty not exceeding 20s., upon conviction before the Justices of the county in which the parish shall be situated, to be recovered and applied as penalties under the Act, 5 Will. 4, for the amendment of the laws for the relief of the poor.

vi. That the said clerk to the guardians shall be empowered to call upon the overseers, or other persons having the custody thereof, for the rate or rate books, which he shall require for the purpose aforesaid, as and when he shall so require them, giving reasonable notice for the same; and every person having the custody thereof who shall wilfully neglect or refuse to allow him to have or inspect the same for such purpose shall be liable to forfeit and pay a sum not exceeding 5*l.*, upon conviction before the Justices of the county in which the parish shall be situated, to be recovered and applied as penalties under the Act, 5 Will. 4., for the amendment of the laws for the relief of the poor.

vii. That in the case of any parish or place not forming part of any union under the laws relating to the relief of the poor, all the acts, matters, and things hereby directed to be done and performed by the clerk to the board of guardians shall, so far as the same are practicable, be done and performed in like manner by the overseers or other persons empowered by law to levy the county rates, police rates, or other rates in such parish or place for the time being.

And after reciting that before the passing of this Act certain rates have been made, and certain sums of money have been ordered by the Justices of certain of the said counties, in Quarter Sessions assembled, to be levied and collected as and for county road rate, but by reason of the difficulties before mentioned in carrying the said first-recited Act into operation the same could not be or have not been collected:—

It is Enacted,

viii. That such rates shall be deemed to be good and valid, but the said Justices shall issue new precepts or warrants for the levying and collecting of the same, or such parts thereof as shall not have been levied or collected, to the guardians, overseers, or other persons empowered by law to collect the same under the provisions of the said secondly-recited Act and of this Act; and the provisions and regulations in this Act contained shall apply to the said last-mentioned rates, in like manner as to any rates to be hereafter made.

ix. And after reciting that by the said recited Act it is enacted, "that from and after the repeal of the said local Acts respectively, when any toll shall have been once taken in respect of any horse or other animal not drawing, or of any horse or other animal drawing any carriage or vehicle at any toll gate or bar within any of the said counties, no toll shall thereafter be taken in respect of the same horse or other animal, or in respect of the same carriage or other vehicle, on the same day (to be computed from twelve of the clock of the night to twelve of the clock in the next succeeding night) for repassing through the same gate or bar, or for passing or repassing through any other gate or bar in the same county, within the distance of seven miles from the gate or bar at which such toll shall have been taken (such distance measured along turnpike roads only), nor for passing or repassing through any gate or bar in any other of the said counties adjoining within the distance of two miles from the gate or bar at which such toll shall have been taken, to be measured as aforesaid, along and in respect of turnpike roads within either of such counties:" And that doubts have arisen in what manner and along what description of roads such distances respectively ought to be measured, and whether portions of road within the boundaries of cities or towns separately maintaining their own roads, and also whether county bridges and the approaches thereto, and ferries, ought to be included in or excluded from such measurement; for the removal of such doubts it is hereby declared and enacted as follows; (that is to say,)

Wherever there is a continuous line of turnpike road between two turnpike gates such distances shall be measured along such continuous turnpike road:

A turnpike road shall be deemed to be continuous, for the purpose of such measurement, notwithstanding that any county bridge or the approaches thereto, or any ferry, or any roads within the limits of any city or town which may be maintained by any local commissioners, or which may be separately maintained according to the provisions of the said recited Act, may intervene so as to form part of the line of such continuous turnpike road between two gates; and in any such case the portions of road upon or forming the approaches to such county bridge and such ferry shall be included; but the roads within the limits of any such city or town (if the same be a market town, but not otherwise,) shall be excluded from such measurement.

x. That if any member of any county roads board shall absent himself from the meetings of the said board for the space of twelve months continuously, the Justices of the Peace for such county shall, at any general Quarter Sessions held after the expiration of such period, elect and appoint another person in the room of such member, in like manner as if such member had died or resigned.

And after reciting that certain roads or portions of road included within the powers of an Act, 3 Geo. 4. c. xvi., intituled 'An Act for continuing the Term and altering the Powers of Three Acts for repairing the Roads leading from Ryeway in the Parish of Yaspole in the County of Hereford to Presteigne in the County of Radnor, and several other Roads therein mentioned in the said County of Radnor and in the Counties of Hereford and Salop,' are locally situated within the county of Radnor, and it is expedient that certain of the regulations applicable to the other roads within the said county should extend to and include the said first-mentioned roads;—

It is Enacted,

xi. That it shall and may be lawful for the trustees acting under the powers of the said recited Act to reduce the tolls payable at any turnpike gate on any of such first-mentioned roads situate within the said county to the amounts specified in the second

schedule to the said first-recited Act annexed, and thereupon to agree with the county roads board of the said county that all turnpike gates upon such first-mentioned roads shall clear the turnpike gates upon roads within the jurisdiction of the said county roads board which may be situate within the distance of two miles therefrom, and shall be cleared by such last-mentioned turnpike gates reciprocally, and in that case such distance shall be measured and computed according to the rules hereinbefore prescribed for the measurement of distances between turnpike gates for the purposes of this and the said first-recited Act.

And after reciting that some diminution of tolls may by reason of this Act be occasioned to the trustees acting under the provisions of the last-recited Act, and it is reasonable that compensation should be made to them for the same ;—

It is Enacted,

xii. That it shall be lawful for the county roads boards of the county of Radnor to agree with the said trustees for the payment to them and their successors of such annual sum, to be paid at such times and in such manner as shall be determined and specified by such agreement, and such agreement shall be valid and effectual in law; provided that such payment as aforesaid shall always be made out of the county roads fund of the said county, and shall form a charge upon such county roads fund next in order after the annuity payable to the Public Works Loan Commissioners, and prior to all other charges upon the same.

And after reciting that it is expedient that the two several pieces of road hereinafter mentioned, and which were omitted in the description of the roads to be maintained and repaired under the powers and provisions of the two herebefore recited Acts, should form part of the several roads to be maintained and repaired under the authority of the county roads board of the county of Glamorgan, (that is to say,) the road which leads from the old turnpike toll-house near Greenhill in the parish of Swansea, and passing over the Aberdyverthy Bridge, joins the turnpike road from Swansea to Neath at or near the eastern end of the said bridge, and the road which leads from the turnpike road from Swansea to Gower at or near the eastern entrance to Saint Helen's, and joins the lower road from Swansea to the Mumbles, at or near a certain direction post on the said lower road ;—

It is Enacted,

xiii. That from and after the passing of this Act the said two several pieces of road shall be managed, maintained, and repaired under the authority of the county roads board of the county of Glamorgan, and for the purposes of this Act and the said recited Acts shall be deemed and taken to form part of the county roads of the said county of Glamorgan.

xiv. That an Act, 31 Geo. 3. c. 106, intituled 'An Act for amending, widening, and keeping in repair the Road leading from the Town of Haverfordwest, through the Town of Fishguard, to the Town of Newport in the County of Pembroke, and also from the Town of Fishguard to the City of St. David's in the said County of Pembroke,' and also another Act, 9 Geo. 4. c. cvi. intituled 'An Act for repairing the Roads from Tavernspite to the Towns of Pembroke and Tenby and to Hubberton Hakin, and from Loveston Mountain to Cavaston Bridge, and from the end of Toch Lane on the said Road from Tavernspite to Hubberton Hakin to the Road from Loveston Mountain to Cavaston Bridge, and from the Parish of Cranwear to Pembroke Dock and Hobb's Point, all in the County of Pembroke,' shall be and the same are respectively hereby repealed.

xv. That this Act shall come into operation on the 1st of August, 1847.

xvi. That the Act, 7 & 8 Vict. c. 91, intituled 'An Act to consolidate and amend the Laws relating to Turnpike Trusts in South Wales,' and another Act, 8 & 9 Vict. c. 61, intituled 'An Act to make certain further Provisions for the Consolidation of Turnpike Trusts in South Wales,' and the present Act, shall be construed as one Act.

xvii. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXXIII.—IRELAND.

AN ACT to authorize the Advance of Money out of the Consolidated Fund for Loans towards defraying the Expence of making certain Railways in *Ireland*.

(22nd July 1847.)

1. This Act, after reciting the passing of 57 Geo. 3. c. 34, 57 Geo. 3. c. 124, 1 Geo. 4. c. 60, 1 & 2 Geo. 4. c. 111, 3 Geo. 4. c. 86, 4 Geo. 4. c. 63, 5 Geo. 4. c. 36, 5 Geo. 4. c. 77, 6 Geo. 4. c. 35, 7 Geo. 4. c. 30, 7 & 8 Geo. 4. c. 12, 7 & 8 Geo. 4. c. 47, 1 & 2 Will. 4. c. 24, 3 & 4 Will. 4. c. 32, 4 & 5 Will. 4. c. 72, 7 Will. 4. & 1 Vict. c. 51, 1 & 2 Vict. c. 88, 3 & 4 Vict. c. 10, 5 & 6 Vict. c. 9, 9 & 10 Vict. c. 80, gives power to Treasury to charge the Consolidated Fund, and direct the issue thereof of 620,000*l*.

11. Powers, &c. of recited Acts to have the same force as if re-enacted in this Act.

111. Act may be amended, &c.

CAP. LXXIV.—IRELAND.

AN ACT to provide for the Repayment of Sums due by the County of the City of Limerick for Advances of public Money for the Improvement of the Navigation of the River *Shannon*.

(22nd July 1847.)

This Act contains the following clauses:—

- I. Borough or county of the city of Limerick, &c. now annexed to the county of Limerick shall be liable to the respective proportions as herein mentioned of the debt due to the Treasury in respect of the improvement of the river Shannon.
- II. The grand juries of the county of the city and of the county of Limerick shall, at the Spring Assizes of 1848, present their respective proportions of interest to be raised and paid forthwith; and their respective proportions of the principal, with further interest, to be raised and paid by twelve instalments.
- III. The precincts of Limerick not to be liable to the proportion payable by the county, but such precincts shall be credited with the amount already paid.
- IV. Act may be amended, &c.

CAP. LXXV.—IRELAND.

AN ACT for the further Improvement of the Fishery Piers and Harbours of *Ireland*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Treasury may issue the sum of 40,000*l.* out of Consolidated Fund.*
2. *Appropriation of 40,000*l.* and of such further sums as shall be voted for the purposes of 9 & 10 Vict. c. 3. and of this Act.*
3. *Commissioners to give notice of existing public harbours which ought to be vested in them.*
4. *Certain public harbours vested in the Commissioners.*
5. *Commissioners to apportion the charge of repair of harbours, &c. in case of insufficiency of tolls.*
6. *If tolls, &c. are insufficient to repair harbour, &c. Commissioners may execute the same out of loans for public works.*
7. *First repairs of old harbours, &c. may be executed partly by grant out of 40,000*l.**
8. *This Act and first-recited Act to be construed as one.*
9. *Act may be amended, &c.*

By this Act,

After reciting that by 9 & 10 Vict. c. 3. provision was made of funds, partly by way of grant and partly by way of loan, for the purposes therein specified; and it is expedient that further sums of money should be provided, to be applied in like manner; and the powers granted to the Commissioners constituted under that Act were, by another Act, 9 & 10 Vict. c. 86, transferred to and vested in the Commissioners of Public Works in Ireland:—

It is Enacted,

I. That the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland may cause to be issued from time to time to the said Commissioners of Public Works in Ireland, as they may find necessary for the purposes, of the said Act, out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any further sum or sums of money not exceeding in the whole the sum of 40,000*l.*

II. That the said Commissioners of Public Works, with the approval of the Commissioners of Her Majesty's Treasury, may make advances by way of grant to an amount not exceeding in the whole the sum of 40,000*l.* and such further sum or sums of money as shall be from time to time voted by Parliament to be applied for the purposes of the first-recited Act and this Act, in the manner and on the conditions specified in the said Act concerning any grant of money made under the authority of the said Act; and every grant of money made under the authority of this Act shall be subject to all the provisions of the Act as fully as if the said Act had authorized the advance and appropriation to the purposes of the said Act of the said further sum of 40,000*l.* and of any such other sum or sums of money as shall be from time to time voted by Parliament as aforesaid; and loans may be made by the said Commissioners of Public Works in aid of any such grant in like manner and upon the like security as is provided with respect to any work to be executed under the provisions of the first-recited Act.

III. That within twelve calendar months after the passing of this Act the said Commissioners, by one or more notices or instruments in writing under the hands of two or more of them shall declare and describe the several harbours, piers, quays, landing-places, and other works on the sea coast of Ireland which within forty-five years last passed have been made wholly or

in part with public money advanced for the improvement of the fisheries, and which the Commissioners shall deem fit and still useful for the purposes of the sea fisheries, and which, in their opinion, ought to be vested in the said Commissioners; and a copy of every such notice or instrument shall be published within the said period of twelve calendar months in the *Dublin Gazette*, and in some one or more newspapers circulating in the neighbourhood of the harbour, pier, quay, landing-place, or other work to which such notice relates, and also, if the Commissioners think fit, shall be posted at some public place in the said neighbourhood, and by such notice all persons interested shall be required, on or before a day to be named therein, not sooner than two weeks from such publication, to send to the secretary of the said Commissioners in Dublin their objections, if any, in writing, to the said proceedings of the Commissioners.

iv. That after the expiration of the time so limited for receiving objections with respect to any such harbour, pier, quay, landing-place, or other work the Commissioners shall consider all such objections, and shall inquire into the grounds of the same, in such manner as they think fit; and if thereupon they shall be of opinion, and shall finally determine, that any such public harbour, pier, quay, landing-place, or other work should be vested in them, they shall signify their determination by an order under the hands of two or more of them, which shall be published in the *Dublin Gazette*; and any such public harbour, pier, quay, landing-place, or other work respecting which such order shall have been made and published as aforesaid, with all ways, rights, members, and appurtenances thereto belonging, shall thereupon be vested in the said Commissioners and their successors, and shall be deemed to be so vested, and shall be maintained and repaired in like manner as if it had been constructed under the provisions of the said Act.

v. That in and by the order made as aforesaid for vesting any such harbour, pier, quay, landing-place, or other work in the Commissioners they shall specify the county which, under the provisions hereinbefore contained, shall be liable to be charged with the costs and charges of the repair and maintenance thereof in case of the insufficiency of the tolls, rates, or rents accruing thence to the Commissioners to make good the same; and if any such harbour, pier, quay, or landing-place shall be in or adjacent to more than one county, the Commissioners in and by the same order shall fix the proportion in which each of such counties shall be liable to be charged towards making good such deficiency; and every such order shall be binding and conclusive on every such county, and on all persons whomsoever.

vi. Provided and enacted, That if the tolls, rates, or rents accruing to the said Commissioners from any harbour, pier, quay, landing-place, or other work vested in them under the provisions of the first-recited Act or of this Act shall be insufficient to defray the charge of the maintenance and repair thereof, the Commissioners may from time to time execute such repairs out of any monies in their hands applicable for loans for public works, and shall in every such case draw up an award specifying the amount of the sums expended by them in and about such repairs, and all expenses incident thereto, over and above the amount of the said tolls, rates, and rents applicable thereunto, and deducting any sum which under the power hereinafter contained shall have been advanced by them by way of grant for the first repair of any harbour, pier, quay, landing-place, or other work vested in them under this Act, and shall charge such amount, with interest, upon the county or counties in or adjacent to which such pier, harbour, quay, landing-place, or other work is situated; and the Commissioners shall sign such award under the hands of two or more of them; and every such award shall be deemed a final award of the Commissioners, such as they are empowered by the first-recited Act to make, as soon as any work for the purposes of the said Act is completed, and shall be dealt with in like manner, and be of the like force and effect; and all proceedings in respect thereto shall be had as by the said Act is provided with respect to proceedings upon any such final award of the Commissioners.

vii. Provided and enacted, That the Commissioners, with the approval of the Commissioners of Her Majesty's Treasury, may, if they think fit, out of the said sum of 40,000*l.*, or any further sum which shall be from time to time voted by parliament for the purposes of the first-recited Act and this Act, advance by way of grant any part of the expenses of the first repair of any harbour, pier, quay, landing-place, or other work vested in them under this Act, and previously to such first repair such proceedings shall be had and taken as by the said first-recited Act are required to be previously had or taken in the case of any new pier, quay, harbour, or other work the expense of which is partly to be paid by any county or district.

viii. That this Act and the first-recited Act as amended by this Act shall be construed together as one Act.

ix. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXXVI.

AN ACT to empower the Commissioners of Her Majesty's Woods to purchase Lands for the Purpose of a Harbour of Refuge at or near *Holyhead* in the County of *Anglesea*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. Power to Commissioners of Woods, &c. to purchase the lands mentioned in the Schedule.
 2. Maps, &c. after having been authenticated to be deposited in the offices of Woods, &c. and the Admiralty.
 3. Powers of the 10 & 11 Vict. c. 24. extended to this Act and to the lands mentioned in the Schedule.
 4. Lands to be offered to owner of lands from which they were originally taken or to adjoining owners.
 5. Act may be amended, &c.
 6. Public Act.
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By this Act,

After reciting the passing of 50 Geo. 3. c. 93, 4 Geo. 4. c. 74, 3 & 4 Will. 4. c. 43, and that by 9 & 10 Vict. c. 116, the sum of 85,681*l.* was directed to be issued and applied for Holyhead harbour: and that by 10 & 11 Vict. c. 24, powers are therein contained for enabling the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, to carry out and effect the purchase of the lands and hereditaments therein mentioned: And that, for the promotion of the service and interests of the United Kingdom of Great Britain and Ireland, and for further facilitating the intercourse between Her Majesty's subjects in Great Britain and Ireland, it is intended to construct a new and improved harbour at or near Holyhead in the county of Anglesea, and the lands and hereditaments mentioned in the Schedule hereunto annexed are required for the purposes of the said harbour and the works, matters, and things incident to or connected therewith; and for acquiring such lands it is expedient that such provision should be made as is hereinafter contained:—

It is Enacted,

I. That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the time being, on behalf of Her Majesty, and they are hereby authorized and empowered, by and out of any monies which have been or may hereafter be granted by Parliament for Holyhead harbour, to purchase the lands and hereditaments mentioned in the Schedule hereunto annexed, and such lands and hereditaments when purchased shall be conveyed and assured to Her Majesty, her heirs and successors, for the purposes of the said harbour.

II. That the maps or plans already made describing the said lands, after the same shall have been authenticated in duplicate by the signatures of the Lords of the Admiralty for the time being, shall be deposited in the office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and in the office of the Lords of the Admiralty respectively; and the maps and plans so authenticated and deposited shall remain in such offices respectively, to the end that all persons may at all reasonable times inspect the same at their will and pleasure, on payment of 1*s.* for every such inspection.

And for the purpose of empowering the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, on behalf of Her Majesty, to take and use for the purposes of the said intended new and improved harbour at or near Holyhead, and the works, matters, and things incident to or connected therewith, the land, houses, tenements, and hereditaments mentioned in the said Schedule hereunto annexed, and for empowering the said Commissioners, on behalf of Her Majesty, to stop up, divert, raise, lower, or alter all or any of the roads, ways, paths, passages, streams, and watercourses which now lead into, through, across, or over the said lands, tenements, or hereditaments, and for the compulsory purchase of all or of so much and such part or parts of the said lands, tenements, and hereditaments, as the said Commissioners may deem it necessary or expedient to purchase and acquire for the purposes aforesaid:—

It is Enacted,

III. That all the powers, clauses, provisions, matters, and things contained in the last hereinbefore recited Act of this present session of Parliament, except such of them or such parts thereof as are by this Act repealed, altered, or otherwise provided for, and also except the special provisions in the said Act contained for the ascertaining and appropriating the price to be paid for the rights and interests of any person or persons in the common or commonable lands therein mentioned, shall extend and apply to the lands and hereditaments mentioned in the Schedule to this Act as fully and effectually as if the same several powers, provisions, matters, and things were repeated in this Act, and re-enacted with reference to the lands and hereditaments hereby authorized to be purchased, and to the several purposes and things before mentioned or referred to, and as if the expression "county of Anglesea" was substituted in the said lastly hereinbefore recited Act for the expression "county of Dorset," and as if the expression "new and improved harbour at or near Holyhead" was substituted for the expressions "harbour of refuge and breakwater intended to be constructed on or near the north-east side of the Isle of Portland;" and all pains and penalties which may be incurred, imposed, or inflicted under or by virtue of the said last hereinbefore recited Act of this present session of Parliament for offences against the provisions therein specified, shall and may be incurred, enforced, and inflicted for similar offences against the provisions of this Act, and in all respects as if the same were repeated in this Act.

IV. That before any superfluous lands to be purchased by or on behalf of Her Majesty under the authority of this Act shall be sold, such superfluous lands shall, unless situate within a town, or be lands built upon or used for building purposes, be first offered to the person then entitled to the lands (if any) from which the same were originally severed; or if such person refuse to purchase the same, or cannot, after diligent inquiry, be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where more than one such person shall be entitled to such right of pre-emption, such offer shall be made to such persons in succession, one after another, in such order as by or on behalf of Her Majesty shall be thought fit; and if any such persons be desirous of purchasing such lands, then, within six weeks after such offer of sale, they shall signify their desire in that behalf to the Commissioners for the time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease; and a declaration in writing made before a Justice by some person not interested in the matter in question, stating that such offer was made, and was refused or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-emption were out of the country, or could not, after diligent inquiry, be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated; and if any person entitled to such pre-emption be desirous of purchasing any such lands, and such person and the said Commissioners do not agree as to the price thereof, then such price shall be ascertained by arbitration, and the costs of such arbitration shall be in the discretion of the arbitrators; and upon payment or tender to the said Commissioners, on behalf of Her Majesty, of the purchase-money so agreed upon or determined as aforesaid, they shall, on behalf of Her Majesty, convey such lands to the purchasers thereof, and such conveyance shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate which shall have been so purchased by him, and a receipt under the hands of the said Commissioners,

or any two of them, shall be a sufficient discharge to the purchaser of any such lands for the purchase-money in such receipt expressed to be received.

v. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

vi. That this Act shall be deemed to be a public Act; and shall be judicially taken notice of as such by all Judges, Justices, and others.

Here follows the SCHEDULE to which the foregoing Act refers.

CAP. LXXVII.

AN ACT to continue until the First Day of October One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament, the Exemption of Inhabitants of Parishes, Townships, and Villages from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

(22nd July 1847.)

CAP. LXXVIII.

AN ACT to amend an Act for the Registration, Incorporation, and Regulation of Joint Stock Companies.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Any company, having obtained certificate of complete registration, being desirous of holding lands, may apply to the Board of Trade for a licence, who may, if they see fit, grant the same.*
 2. *Accounts, of licences, renewals, extensions, &c. to be annually laid before Parliament.*
 3. *Licences granted before passing of this Act deemed valid and effectual for the purposes therein expressed.*
 4. *So much of recited Act as requires the return to the office for registration of joint stock companies of a copy of every prospectus, &c. repealed.*
 5. *Certain additional particulars required to be returned to the office for registration of joint stock companies.*
 6. *If any alterations are made in particulars registered, they shall be returned to the registrar, under a penalty.*
 7. *Penalty on promoters issuing, at any time before complete registration, any prospectus, &c. containing statement at variance with particulars returned under recited Act.*
 8. *Penalties under this Act to be sued for as under recited Act.*
 9. *Act may be amended, &c.*
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By this Act,

After reciting that by 7 & 8 Vict. c. 110, it is amongst other things enacted, that on the complete registration of any company being certified in the manner prescribed in the said Act it shall be lawful for such company, amongst other things, to purchase and hold lands, tenements, and hereditaments in the name of such company, or of the trustees or trustee thereof, for the purpose of occupying the same as a place or places of business of the said company, and also (but nevertheless with a licence, general or special, for that purpose, to be granted by the Committee of Privy Council for Trade, first had and obtained), such other lands, tenements, and hereditaments as the nature of the business of the company may require: And that doubts have in certain cases arisen as to the meaning of the said provision, and it is expedient that such doubts should be removed, and that further provision should be made as to the granting of such licences as aforesaid by the said Committee of Privy Council:—

It is Enacted,

1. That whenever any company, having obtained a certificate of complete registration under the said Act, is desirous of purchasing or holding, taking on lease, holding on mortgage, or in any other manner acquiring an interest such as bodies politic or corporate are by law incapacitated from acquiring in any lands, tenements, or hereditaments, other than such as it is under said Act entitled to purchase and hold, as a place or places of business, it shall be lawful for such company to make application to the Lords of the said Committee of Privy Council for Trade for a licence to purchase, take, or hold the same; and the Lords of the said Committee shall thereupon take such application into their consideration, and may, if they see fit, grant a licence to such

company accordingly; and in such licence the Lords of the said Committee may either authorize such company to purchase, take, and again let, sell, or otherwise dispose of such lands, tenements, or hereditaments as may in the licence be particularly described, and to hold the same for such time as may be specified in such licence, or in any licence to be subsequently and from time to time granted by the said Committee of Privy Council for Trade on the application of such company, or may authorize them from time to time to acquire, dispose of, and again acquire such lands, tenements, or hereditaments as the company may from time to time desire, or may authorize them to hold lands, tenements, or hereditaments on mortgage, and may frame such licence in such manner, and insert in the same such conditions, as with reference to the special circumstances of each case they may deem expedient; and such licence shall be held to confer upon such company the rights and powers therein expressed to be given in respect of purchasing, holding, and disposing of lands, tenements, or hereditaments as aforesaid.

II. That there shall be presented to both Houses of Parliament in each year, within fourteen days after the commencement of the session, an account of the several licences, and renewals or extensions of licences, so granted by the Committee of the Privy Council for Trade, specifying the nature and extent of the powers contained in each of such licences, and of the lands so authorized to be held, and also, in the case of any renewal or extension of such licences, an account of the extent of land actually held by the company at the time of such renewal or extension, and the counties within which such lands are situate.

And after reciting that certain licences have from time to time been granted by the Lords of the said Committee in pursuance of the said Act :—

It is Enacted,

III. That in case any doubt arise as to the effect thereof it shall be held that any licence so granted before the passing of this Act is valid and effectual for the purposes therein expressed, and shall be deemed sufficient evidence that the lands, tenements, or hereditaments therein described or referred to, or which have been purchased, taken, held, or disposed of under the authority thereof, are such as the nature of the business of the company requires.

And after reciting that by the said recited Act the promoters of any company formed for any purpose within the meaning of the said Act, are amongst other things, required to return to the office for the registration of joint stock companies a copy of every prospectus or circular, handbill or advertisement, or other such document at any time addressed to the public, or to the subscribers or others, relative to the formation or modification of such company: And that the registration of such prospectuses and advertisements has been found to be very burdensome to the promoters of such companies, and it is desirable to relieve such promoters from the necessity thereof, and in lieu thereof to substitute the provisions hereinafter contained;—

It is Enacted,

IV. That so much of the said Act as is lastly hereinbefore recited shall be and the same is hereby repealed.

V. That in addition to the particulars which the promoters of every such company as aforesaid are by the said Act required to return to the said office, for the registration of joint stock companies, when and as from time to time they shall be decided on, such promoters shall also return, and they are hereby required to return, to the said office, the following additional particulars, so soon as the same shall be decided on, (that is to say.)

First, The amount of the proposed capital of the company :

Second, The amount and number of the shares into which the same is to be divided :

And if the said company be dissolved, or be incorporated by Act of Parliament or by royal charter or by the Queen's letters patent or be in any way withdrawn or supposed to be withdrawn from the operation of the said Act, the promoters of the company shall forthwith give notice thereof to the registrar of joint stock companies.

VI. That in case of any alteration being made in any of the particulars registered by the promoters of any company in pursuance of the said, recited Act, or of this Act, such alteration shall forthwith be returned to the registrar of joint stock companies; and if such return be not made within one month after such alteration has been made and decided upon, any promoter of the company shall be liable to forfeit for each and every alteration not returned as aforesaid any sum not exceeding 20*l*.

VII. That it shall not be lawful for the promoters of any company, or for any person connected with any company, at any time before such company has obtained a certificate of complete registration under the said recited Act, to issue or publish or in any manner address or cause or suffer to be addressed to the public, or to the subscribers or others, any prospectus or circular, handbill or advertisement or other such document relative to the formation or modification of the company, containing any statement at variance with the particulars which may have been returned to the registrar of joint stock companies under the said recited Act or this Act, not to issue, publish, or in any manner address or cause or suffer to be addressed to the public, or to the subscribers or others, any such prospectus, circular, handbill, or advertisement, containing any statements of particulars which are by the said recited Act or by this Act directed to be returned to the registrar of joint stock companies, until such particulars have been so returned; and if any prospectus or circular, handbill or advertisement, be issued, published, or addressed to the public or to the subscribers or others, contrary hereto, any promoter of the company shall be liable for each and every such issue or publication to forfeit any sum not exceeding 20*l*.

VIII. That the penalties imposed by this Act shall be sued for, recovered, and applied in the same manner as penalties imposed by the said recited Act are therein directed to be sued for, recovered, and applied respectively.

IX. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. LXXIX.—IRELAND.

AN ACT to continue for a limited Time, the Provisions for summary Proceedings contained in an Act of the last Session to amend the Acts for promoting the Drainage of Lands, and for other purposes, and to amend the said Act.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Provisions for summary proceedings continued for one year, &c.*
2. *Assent of proprietors valid without the concurrence of occupiers.*
3. *Where under recited Acts a free grant of a moiety or more of the cost of any navigation shall be made, the residue of the cost to be charged upon the districts benefited, without previous presentment.*
4. *Publication in Dublin Gazette evidence of publication of final notice.*
5. *Recited Acts and this Act construed as one Act.*
6. *Act may be amended, &c.*

By this Act,

After reciting the passing of 5 & 6 Vict. c. 89; and that the said Act was amended by 8 & 9 Vict. c. 69, and also by 9 & 10 Vict. c. 4; and that by the last-mentioned Act, after referring to the failure or destruction of a portion of the potato crop of the then last year in Ireland, and to the distress which might thereby prevail among the labouring classes in certain districts, and to the expediency of giving for part of the then present year increased facilities for various works of utility connected with the drainage and improvement of lands in such districts, it was enacted and declared, that the provisions thereafter contained should be called and deemed to be "Provisions for summary Proceedings" under the said Act, and that no work should be undertaken or commenced under such provisions for summary proceedings as to the execution of which work the assents of the proprietors of lands, as required by the provisions of the said Act thereinbefore contained, should not have been given or obtained before the 1st of August, 1847; and by the same Act it was thereafter provided, that the Commissioners for the execution of the same should, as therein mentioned, ascertain that the assent in writing of the proprietors, as defined in the said first-recited Act, with the consent of the tenants, if any, (as by the said Act required in that behalf,) of more than one-half in extent of the lands to be drained or improved, should have been given to the proposed works: And that, by reason of the destruction of a large portion of the potato crop of last year in Ireland, it is expedient, for the purposes of affording increased facilities for employment, to continue for a limited time the aforesaid provisions for summary proceedings, amending the same as hereinafter mentioned:—

It is Enacted,

I. That notwithstanding anything contained in the said last-mentioned Act it shall be lawful to commence or undertake, under the provisions for summary proceedings in the same Act contained, any works by such provisions authorized as to the execution of which works the assents of the proprietors of lands as required by the same Act (subject to the provisions of this Act) shall be given or obtained at any time before the termination of twelve months from the passing of this Act, or before the end of the then next session of Parliament, but no later; and that all the said provisions for summary proceedings shall be valid and effectual accordingly for the purposes of works to be commenced or undertaken under the provisions of this present Act.

And after reciting that under the provisions of the first-recited Act and the Acts amending same it was enacted, amongst other things, that where any portion of land proposed to be drained or improved by drainage should, at the time appointed for the giving such assent as therein mentioned by the proprietors of the land to the execution of the proposed works, be in the actual occupation of any person under any grant, lease, or agreement in writing for a lease for a life or lives, or for a term of years, whereof more than fourteen years should be unexpired, the consent in writing of such person should be necessary in order to give validity to the assent of the proprietor in respect of the lands comprised in such grant, lease, or agreement: and that great delay in consequence of such provision has arisen in the commencement of the works under said Acts without any commensurate advantage to the parties interested, and in order to increase the facilities for affording employment, it is expedient to amend the same:—

It is Enacted,

II. That notwithstanding anything in the said recited Acts or any of them contained, no consent of any person in the actual occupation of any land under any grant, lease, or agreement in writing for a lease for a life or lives or for a term of years whereof more than fourteen years shall be unexpired to the execution of the proposed works under the provisions of the said recited Acts, or any of them, shall be necessary in order to give validity to the assent of the proprietor in respect of the lands comprised in such grant, lease, or agreement.

And after reciting that by the said Act, 9 & 10 Vict. c. 4, it was also enacted, that in all cases where for the purposes of navigation connected with drainage a free grant of a moiety or more of the expense of making or improving any such navigation should be made under the authority of Parliament, and the other moiety or residue of the expense of making or improving such navigation should be raised or advanced by way of loan under the provisions of the said hereinbefore recited Acts, or of the Act now reciting, then such moiety or residue so raised or advanced should, with interest from the date of such loan, be charged

upon the district which by the declaration to be made in such case by the Commissioners in the said Act mentioned, under the provisions of the said first-recited Act, it should be declared would be benefited by the making or improving of such navigation, and the several baronies, half baronies, and townlands in such district, and should be repaid by and levied from such baronies, half baronies, and townlands in the proportions in which it should be so declared that such baronies, half baronies, and townlands would be respectively benefited, in one sum, or by instalments, under and subject to the several provisions and regulations in the said therein recited Acts or the Act now reciting contained in relation to the levy and recovery of any sums which, under the final award of the said Commissioners, should be payable by the grand jury of any county in respect of the improvement of the navigation of any river: and that it is expedient to explain and confirm the provision last hereinbefore recited, and to make such further provisions as are hereinafter contained:—

It is Enacted and Declared,

III. That notwithstanding anything in the hereinbefore recited Acts contained, in all cases where, for the purposes of navigation connected with drainage, a free grant of a moiety or more of the expenses of making or improving any such navigation shall be or shall have been made by the authority of Parliament, and the other moiety or residue of the expense of making or improving such navigation shall be or shall have been raised or advanced by way of loan, under the aforesaid provisions, then such moiety or residue so raised or advanced shall, as by the last-recited Act provided, be charged upon the district therein mentioned, and the several baronies, half baronies, and townlands in such district, and shall be repaid by and levied from such baronies, half baronies, and townlands, as by the said Act provided, without any declaration of the Justices and associated cess-payers, and without any presentment previously made by the grand jury of the county or any of the counties wherein such district as aforesaid shall be situate; and in all such cases all proceedings hitherto taken by or before the Commissioners for the execution of the said Acts, under the said last-recited provision, and all loans, if any, made to them, and all securities given by them for the same, under such provision, shall be valid and effectual, notwithstanding any omission or defect as regards any such declaration or presentment as aforesaid.

IV. That the publication in the *Dublin Gazette* as by the said recited Acts directed of any final notice heretofore given or hereafter to be given under the provisions and for the purposes of the said recited Acts or this Act, or any of them, shall be deemed conclusive evidence of the due publication of such final notice.

V. That the said recited Acts and this Act shall be construed together as one Act, and the several words and expressions to which an extended signification is given in the said recited Acts, or any of them, shall have the like signification in this Act.

VI. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXXX.—IRELAND.

AN ACT to amend an Act of the last Session, for facilitating the Employment of the labouring Poor in the distressed Districts in *Ireland*, so far as relates to Compensation for Damages.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Grand jury may postpone traverses, &c. for damages under the recited Acts not already tried to the Spring Assizes 1848.*
2. *Provisions as to compensation for damages to apply to works under secondly-recited Act.*
3. *Certificates from officers of the Board of Works.*
4. *The amount of damages presented to be paid to occupiers shall be levied after the assizes at which the presentment is made.*
5. *Sums awarded for damages to other persons than occupiers may be presented to be raised and paid after the Summer Assizes 1848, or by ten instalments.*
6. *Sums presented for damages to be raised and levied off respective baronies, &c. as poor rate.—Powers of recovery.*
7. *Judge of Assize to certify the number of days on which the Court was occupied in trying traverses under recited Acts, and to order the treasurer to pay the Clerk of the Crown 3l. 3s. for each such day.—No other fees to be taken.*
8. *Interpretation as to the county of Dublin.*
9. *Act may be amended, &c.*

By this Act,

After reciting the passing of 9 & 10 Vict. c. 107. and 10 & 11 Vict. c. 10: And that under the provisions of the said Acts the Commissioners of Public Works in Ireland were authorized to execute the works therein provided to be executed for the relief of the poor, and for that purpose, by themselves and their officers and persons employed by them, to take and acquire any ground that might be necessary for the making of such works, satisfaction being rendered to the proprietors or occupiers in the manner by the said first-recited Act provided: And that under the provisions of the said recited Acts the cost of executing such works (save works of drainage and subsoiling in the said secondly-recited Act mentioned) were directed to be charged upon the respective baronies, half baronies, electoral divisions, or parts of electoral divisions, districts, counties of cities, or counties of towns, as the case may be, for which such works were presented, and to be levied in like manner as poor rate, and it is expedient that the compensation for damages caused by taking of land for the execution of such works should be charged

upon the same respective places, and in the same manner respectively : And that owing to the great extent of the failure of the potato crop, and the number of such works required to be executed for the employment of the poor, the compensation claimed for damages is likely to amount to a considerable sum, and it is therefore expedient to make other provision for the levy and payment thereof than is by the said first-recited Act provided, and to empower grand juries, if they shall so think fit, to postpone such levy and payment for a limited time ;—

It is Enacted,

i. That after the passing of this Act it shall be lawful for the grand jury of any county, county of a city, or county of a town, at the Summer Assizes of this year, in cases of claims for compensation for damages to any land or premises taken or occupied for the purpose of any works under the provisions of the said recited Acts, to postpone the making of presentments in such cases as to them shall seem expedient, from the said Summer Assizes to the Spring Assizes of the year 1848, at which last-mentioned assizes it shall be lawful for the grand jury to make presentment for such damages in cases where the amount of the same shall have been determined on the trial of traverses at the said Summer Assizes pursuant to the said recited Acts, without further notice or trial, in the same manner as such presentments could be made at the said Summer Assizes; and in all other cases of claims for such damages where presentments shall not have been made as hereby last authorized, or at such Summer Assizes, or, in the case of the county of Dublin at the presenting term of this year (whether or not application shall have been made for such damages at such Summer Assizes or presenting term), it shall and may be lawful for the respective persons claiming such compensation for damages to any land or premises in respect of which certificates shall have been given by the proper officers of the said Commissioners of Public Works, or the county surveyor, as the case may be, under the provisions of the first-recited Act or this Act, upon giving such notice as in the said first-recited Act required, to make any such application to the grand jury, or to enter any such traverse for damages, and for the respective grand juries to present for such damages at the Spring Assizes or presenting term, as the case may be, of the year 1848, but not at any subsequent assizes or presenting term, unless some order of the Court shall be made at such Spring Assizes or presenting term for the adjournment of any such application, traverse, or presentment respectively, the sums so presented to be paid in the manner hereinafter mentioned; and such applications, traverses, or presentments, and the several matters relating to the same, shall be subject to like provisions as in the said first-recited Act contained as such provisions are amended by this Act : Provided always, that the claims of the several parties interested in the same premises, and claiming such compensation, shall, so far as conveniently may be, be heard, considered, or tried together.

ii. And it is enacted and declared, That applications for compensation as aforesaid, and traverses for damages, may be made, entered, or presented for in respect of damages caused by the taking of land for works executed under the provisions of the said secondly-recited Act (save works of drainage and subsoiling as aforesaid) in like manner as in the case of works executed under the provisions of the said first-recited Act; provided that certificates shall be obtained from the respective officers of the said Commissioners of Public Works or the county surveyor, as the case may be, pursuant to the provisions of the said first-recited Act as amended by this Act.

iii. That, anything in the said first-recited Act to the contrary notwithstanding, any certificate of the amount of damage sustained, or of other matters in the said Act specified and therein required to be given, by the officer or county surveyor by whom any such works shall have been or shall be executed, may be given by any officer of the said Commissioners of Public Works by them appointed for that purpose, and that in such certificate the total estimated amount of the damage or injury done to all parties interested in the same premises may be stated, the officer making due allowance in fixing such amount for any advantages conferred by such work upon such parties: Provided always, that nothing herein or in the said recited Acts contained shall be construed to prevent the grand jury, or any jury before whom such claim shall be tried upon a traverse, from increasing or lessening the amount of compensation mentioned in such certificate.

iv. That in all cases of presentments made at the Summer Assizes of this year, or at any subsequent assizes, or future presenting term, for the payment of any sum or sums of money to any person or persons as the occupier or occupiers of any such land, such sum or sums of money shall be inserted in and levied under the warrant of the treasurer, to be issued at the time of issuing such treasurer's warrant for the levy of grand jury cess after such assizes or presenting term; and such sum or sums, when the same shall be levied under such warrant, shall be paid over to such respective person or persons entitled thereto.

v. That any sum of money which shall have been presented at the said Summer Assizes of this year, or which shall hereafter be presented at any assizes or presenting term, for such damages to be paid to any person or persons other than the occupier of any land, shall not be levied or inserted in the treasurer's warrant for such levy until after the Summer Assizes or presenting term of the year 1848; and in all cases of such presentments to be made after the passing of this Act for such damages to be paid to such person or persons other than occupiers, it shall be lawful for the respective grand juries, if they shall so think fit, to present that the same shall be paid to such person or persons other than the occupier either in one sum or by any number of instalments, not exceeding ten, after the said Summer Assizes or presenting term of the year 1848, and each succeeding assizes or time limited for the payment of grand jury cess, as the case may be, till the same shall be fully raised and levied, and such sum or instalments shall be accordingly raised and levied, and shall, when so levied, be paid over to the person or persons so entitled.

vi. That any such sum of money which shall have been or shall be presented at the said Summer Assizes of this year, or at any subsequent assizes, or which hereafter shall be presented at any presenting term, for damages as aforesaid, under the provisions of the said recited Acts or either of them, shall be raised and levied off the barony, half-barony, electoral division, part of an electoral division, district, county of a city, or county of a town, as the case may be, upon which same shall be chargeable under the provisions of the said recited Acts, and shall be levied under the warrant of the treasurer, which he is hereby required to issue, and shall be charged upon and apportioned, raised, and levied upon and from the occupiers of and other persons rateable in respect of lands and hereditaments within such barony, half-barony, electoral division, part of an electoral division, district, county of a city, or county of a town respectively, and rated under the then last preceding rate or rates made or from time to

time made in respect of the same under the provisions of an Act of the 1 & 2 Vict. for the more effectual relief of the destitute poor in Ireland, and the several Acts amending the same, and shall be payable by the respective rate-payers who, under the said last preceding rate or rates, shall have paid or contributed or been liable to pay or contribute rate in respect of property in such barony, half-barony, electoral division, part of an electoral division, district, county of a city, or county of a town, according to the several valuations and proportions according to which respectively such last preceding rate or rates shall have been so made, charged upon, and payable by the rate-payers in respect of such land or hereditaments respectively; and any such sum of money shall be apportioned, assessed, and levied by the respective high constable or collector of grand jury cess for or in such barony, half-barony, or place, as a poundage assessment, equally upon the net annual value of the several lands and hereditaments within such barony, half-barony, electoral division, part of an electoral division, district, or county of a city, or county of a town respectively, rated as aforesaid, as such net annual value shall have been stated in such last preceding rate or valuation as aforesaid; and on receipt of the respective county treasurer's warrant as aforesaid such high constable or collector is hereby authorized and required to levy the money therein mentioned, and to give to the parties paying the same separate duplicate receipts therefor, which shall not be subject to stamp duty; and such money shall and may be collected and levied, sued for and recovered, by such and the same ways and means as any grand jury cess, or the money apportioned on the several persons liable to pay any grand jury cess, or any rate for the relief of the destitute poor, may be collected and levied, and with like powers, poundage, authorities, and privileges and immunities to any such collector as in case of the levying of any grand jury cess, or any rate for the relief of the destitute poor in Ireland; and the several clauses, provisions, powers, and authorities in the said first-recited Act contained with respect to the monies to be raised and levied under the same, and the collector thereof, and their powers, proceedings, securities, and duties, and the obtaining copies of rates and valuations, and any penalty in respect of the same, and with respect to any deduction to be made from any rent in respect of any assessment under the said Act, and also the several provisions and powers of the said Acts, for the more effectual relief of the destitute poor in Ireland, with respect to any such deduction to be made from rent or tithe, shall be extended and applied to the monies to be assessed, raised, or levied under the provisions of this Act; and the several words and expressions to which an extended meaning is given in the said first-recited Act shall include the like significations in this Act.

VII. That it shall be lawful for any Judge at the assizes or presenting term to certify under his hand the number of days on which the Court at such assizes or presenting term shall have been occupied in the hearing or trying of any such traverses for damages under the said recited Acts or either of them; and thereupon such Judge shall make out an order under his hand, directing the respective treasurer of the county, county of a city, or county of a town, or the finance committee in the case of the county of Dublin, as the case may be, to pay to the respective Clerk of the Crown for such respective county, county of a city, or county of a town a sum not exceeding the rate of three guineas for each day, and so in proportion for any part of a day, on which it shall appear by such certificate that the Court was occupied in the hearing or trying of any such traverses for damages; and such treasurer or finance Committee, as the case may be, is hereby authorized and required, out of any public money in his or their hands, forthwith to pay to such Clerk of the Crown any such sum of money so ordered, and such treasurer or finance committee shall be allowed the same in his or their accounts; and the grand jury of such respective county, county of a city, or county of a town shall, at such assizes, or the next following assizes or presenting term, as the case may be, present all sums so paid to the Clerk of the Crown, to be raised off the respective county, county of a city, or county of a town, without any previous application to presentment sessions; and it shall not be lawful for any Clerk of the Crown, crier, or officer of the court to demand or take any fee for or in respect of any such traverse for damages, or presentment of the same, under the said recited Acts or either of them, other than is hereinbefore provided.

VIII. That in the construction of this Act, in the case of the county of Dublin, unless the context and the nature of the case shall require a different construction, the word "Assizes" shall include the presenting term; the word "treasurer" shall include the finance committee; and the periods for the levy and payment of monies under this Act shall, as regards the said county, be deemed to be the respective periods for the levy and payment of the respective moieties of grand jury cess in such county.

IX. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. LXXXI.—IRELAND.

AN ACT to limit the Time for taking the Poll at Elections of Members to serve in Parliament for Counties of Cities, Counties of Towns, and Boroughs in *Ireland*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of recited Act as allows the poll at elections for cities, towns, or boroughs, in Ireland to continue open until the fifth day repealed.*
2. *Period of polling.*
3. *Returning officer to provide so many booths that not more than one hundred voters shall poll in any booth.*
4. *If a vote be objected to, poll not to be delayed, but written objection to be handed in within a reasonable time.*
5. *Public notice of the booths to be given.*
6. *Continuance of the poll on the following day in case of riot.*

7. *On the close of the poll remaining objections to voters to be disposed of by the returning officer.*
8. *In case of personation vote may be taken off the poll.*
9. *As to continuance of laws now in force as to elections.*
10. *Not to affect elections for the University of Dublin.*
11. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient that the poll at all contested elections of members to serve in Parliament for counties of cities, counties of towns, and boroughs in Ireland, should be taken in one day: And that by an Act, 2 & 3 Will. 4. c. 88. s. 52, it is amongst other things enacted, that such poll may continue open until the fifth day thereof: and that it is expedient to repeal so much of the said recited Act as allows the poll at such elections for counties of cities, towns, or boroughs, so to continue open until the fifth day:—

It is Enacted,

1. That from and after the passing of this Act so much of the said recited Act or any other Act as allows the poll at such elections for counties of cities, counties of towns, or boroughs in Ireland to continue open until the fifth day of the poll be and the same is hereby repealed.

11. That at every contested election of a member or members to serve in Parliament for any county of a city, county of a town, or borough in Ireland the polling shall commence at eight of the clock in the forenoon of the day next but one after the day fixed for the election, and the polling shall continue during such one day only, and no poll shall be kept open later than five of the clock in the afternoon: Provided always, that when such day next but one after the day fixed for the election shall be Sunday, Good Friday, or Christmas Day, then, in the case it be Sunday, the poll shall be on the Monday next following; and in the case it be Good Friday, then on the Saturday next following; and in the case it be Christmas Day, then on the next following day, if the same shall not be Sunday, and if it be Sunday on the next following Monday: Provided also, that if the day next following the day fixed for the election be a Sunday, Good Friday, or Christmas Day, such Sunday, Good Friday, or Christmas Day shall not be counted, but the day of polling shall be postponed, so that one day over and above such Sunday, Good Friday, or Christmas Day shall intervene between the day fixed for the election and the day of polling.

111. That it shall and may be lawful for the returning officer or officers of every such county of a city, county of a town, or borough, and he and they are hereby required, to provide so many booths or polling places for such county of a city, county of a town, or borough in convenient parts of the same as may be necessary, and to make such a division or divisions of the voters that it shall not be necessary for more than 120 voters, as the same shall appear on the registry of persons entitled to vote, to poll in any one booth or place of polling, and making such division of voters according to the first letter of their names, when the number of registered voters whose surnames shall begin with the same letter of the alphabet shall not exceed 120, and when the number shall exceed 120, then as nearly as may be in alphabetical order, according to the first, second, and other letters of their names; and so also that the several booths or polling places for voters whose surnames begin with the same letter shall be as near as conveniently may be to one another: Provided nevertheless, that all voters who shall have the same surname shall be obliged to vote in the same place of polling, even although their number shall exceed 120, and which said booths or polling places shall be provided at the equal expense of the several candidates, and the same shall be erected or provided by contract with the candidates, if they shall think fit to make such contract, or if they shall not make such contract then the same shall be provided or erected by the sheriff or other returning officer or officers at the expense of the several candidates as aforesaid, who shall be liable each to pay his own proportion thereof, the expense of each such booth or polling place not to exceed the sum of 3*l.* if in a public building, and not to exceed the sum of 5*l.* if not in a public building; and it shall be lawful for such returning officer or officers and he and they are hereby required to appoint as many deputies and poll clerks as shall be necessary to take the poll in such places of polling, not exceeding one deputy or one poll clerk for each place of polling; and the clerk of the peace shall appoint, or on failure thereof the returning officer or officers shall appoint, a deputy clerk of the peace, and likewise an assistant to such deputy, to be present in each booth or polling place, who shall take with him into such polling place all the original affidavits and affirmations which have been made by the persons capable of voting in such place of polling respectively, and which said deputies, clerks, and assistants shall be paid the sums following for taking the poll at the said election; that is to say, each deputy sheriff two guineas, his clerk one guinea; each deputy clerk of the peace 10*s.*, his clerk or assistant 5*s.*; the said several payments to be made by the sheriff or other returning officer who shall be entitled to receive the same from the several candidates, who shall be liable each to pay his own proportion or share thereof.

1*v.* That if the vote of any person shall be objected to by an inspector of any candidate the poll shall not on that account be delayed, but the returning officer's deputy shall direct the poll clerk to enter a memorandum on the poll books, shewing to which candidate or candidates such person has given his vote, and that an objection has been made to such vote, and he shall, without waiting for a written memorandum of such objection, immediately proceed to receive the vote of the next person who shall tender his vote or offer to poll; and the inspector who shall have made such objection shall, either before the close of the poll on the day on which such objection shall have been or made within one hour afterwards, cause to be delivered to the sheriff or other returning officer or assessor at his booth a memorandum of such objection in the form now by law required, and if such memorandum shall not be delivered within such time the same shall not be afterwards received, but such objection shall be overruled and the vote so objected to allowed; and in case the objection taken to any voter shall be in consequence of any alleged defect in the certificate produced by him, or such as requires the production thereof before the sheriff or his assessor, it shall be necessary for the inspector making such objection to apprise the voter and the returning officer's deputy at the time of making the same that such certificate is required, and thereupon the returning officer's deputy shall enter in the poll book a memorandum to that effect, and in such case the said deputy shall retain such certificate, and transmit the same to the sheriff or returning officer, to be by him retained till such objection is disposed of, and then to be returned by the said sheriff or returning officer to the voter or some person on his behalf.

v. That before the hour of twelve of the clock on the day next before the day fixed for taking the poll at any such election the returning officer or officers shall give public notice, by placards or otherwise, of the number and situation of the booths or polling places and of the division of voters to poll therein respectively, and shall also, at the request of any candidate or his agent, furnish to such candidate or agent a written or printed list or statement of the same.

vi. That in case it shall appear to the returning officer, on his own view or on the evidence of two or more credible witnesses taken upon oath, and which oath the returning officer is hereby empowered to administer, that the taking of the poll at any booth or polling place shall have been obstructed by any riot or open violence, so that any persons intending to offer themselves to poll at such booth or polling place shall be unable to do so within the time hereby limited for taking the poll, or that any persons intending to offer themselves to poll in such booth or polling place have been by force or violence prevented from so doing within the time hereby limited for taking the poll, then and in either of such cases it shall be lawful for the returning officer, and he is hereby required to keep such booth or polling place open for another day within the hours hereinbefore mentioned, and so on from day to day, if such force or violence be repeated and be found to have taken place, upon such evidence as aforesaid, to the satisfaction of the returning officer: Provided always, that if on any such second or other subsequent day of polling one half hour previously to the hour of five of the clock in the afternoon shall have elapsed without any voter authorized to vote in such booth or polling place tendering his vote, then the poll in such booth or polling place shall be finally closed: Provided also, that nothing herein shall be taken to authorize a continuance of the polling on a Sunday, Good Friday, or Christmas Day, but in every case in which the day on which the continuance of the poll as aforesaid would otherwise be had shall happen to be a Sunday, Good Friday, or Christmas Day, that day or days shall be passed over, and the following shall be the day when the poll shall be continued.

vii. That at the close of the poll in each booth or polling place on the first polling day, and on any subsequent day on which the poll shall be continued as aforesaid in any booth or polling place, the poll clerk shall deliver the poll book of such booth or polling place to the returning officer or officers, and such returning officer or officers, or his or their assessor, shall on the evening of such day, and, if necessary, on the following day or days, dispose of all objections to votes that shall not have been previously disposed of, and shall proceed in so doing from the hour of seven of the clock in the afternoon until the hour of ten of the clock in the afternoon of the day on which the poll shall so close, and from the hour of eight of the clock in the forenoon until the hour of five of the clock in the afternoon, and from seven of the clock until ten of the clock in the afternoon of the following day or days, so far as shall be necessary, until all objections to votes not previously disposed of, shall have been disposed of, when the returning officer or officers shall finally declare the state of the poll: Provided that in every case in which the day on which such disposal of objections would otherwise be continued shall happen to be a Sunday, Good Friday, or Christmas Day, that day or days shall be passed over, and the following day shall be the day on which such disposal of objections shall be continued.

viii. That if any person shall be admitted to poll at any such election who has personated another elector for the purpose of polling at such election, upon complaint made by any candidate or his agent, and supported by an affidavit at or at any time before the opening of the returning officer's booth, on the day following the close of the poll in any booth or polling place in which such person shall have polled, unless the state of the poll shall previously have been finally declared, it shall be lawful for the returning officer or officers and he and they are hereby required and empowered to take the vote of such person off the poll: Provided always, that the act complained of as having been committed by such person be set forth and described, and positively declared to have been committed by such person, in such affidavit as aforesaid, to be sworn before a Justice of the Peace, and that such affidavit be delivered to the returning officer or officers; and further, that the act complained of shall appear to the returning officer or officers upon a due examination of one or more credible witness or witnesses concerning the same, upon his or their oaths, to be proved to have been committed by such person, which oath or oaths the returning officer or officers is or are hereby authorized and empowered to administer.

ix. That all the laws now in force as to the taking of the poll at any such election shall continue in force, save so far as they or any of them are repealed or altered by this Act.

x. Provided and enacted, That nothing in this Act contained shall extend to or in anywise affect the election of any member or members to serve in Parliament for the University of Dublin, or to the polling at any such election.

xi. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXXXII.

AN ACT for the more speedy Trial and Punishment of Juvenile Offenders.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Persons not exceeding fourteen years of age committing certain offences may be summarily convicted by two Justices.—Justices may dismiss the accused if they deem it expedient not to inflict any punishment.*
2. *Power to Justices to hear and determine. One magistrate may, in certain cases, perform acts usually done by two.*
3. *Proceedings under this Act a bar to further proceedings.*
4. *Mode of compelling the appearance of persons punishable on summary conviction.*
5. *Power to one Justice to remand and take bail.*
6. *Application of fines.*
7. *As to the summoning and attendance of witnesses.*

8. *Service of summons.*
9. *Form of conviction.*
10. *No certiorari, &c.*
11. *Convictions to be returned to the Quarter Sessions.*
12. *No forfeiture upon convictions under this Act, but presiding Justices may order restitution of property.*
13. *Recovery of penalties.*
14. *Expenses of prosecutions how to be paid.*
15. *Orders for payment how to be made.*
16. *Payment of costs and expenses with respect to boroughs, &c.*
17. *Proceedings against persons acting under this Act.*
18. *Extent of Act.*
19. *Act may be amended, &c.*

By this Act,

After reciting that in order in certain cases to insure the more speedy trial of juvenile offenders, and to avoid the evils of their long imprisonment previously to trial, it is expedient to allow of such offenders being proceeded against in a more summary manner than is now by law provided, and to give further power to bail them :—

It is Enacted,

1. That every person who shall, subsequently to the passing of this Act, be charged with having committed or having attempted to commit, or with having been an aider, abettor, counsellor or procurer in the commission of any offence which now is or hereafter shall or may be by law deemed or declared to be simple larceny, or punishable as simple larceny, and whose age at the period of the commission or attempted commission of such offence shall not, in the opinion of the Justices before whom he or she shall be brought or appear as hereinafter mentioned, exceed the age of fourteen years, shall, upon conviction thereof, upon his own confession or upon proof, before any two or more Justices of the Peace for any county, riding, division, borough, liberty, or place in petty sessions assembled, at the usual place, and in open court, be committed to the common gaol or house of correction within the jurisdiction of such Justices, there to be imprisoned, with or without hard labour, for any term not exceeding three calendar months, or, in the discretion of such Justices, shall forfeit and pay such sum, not exceeding 3*l.*, as the said Justices shall adjudge, or, if a male, shall be once privately whipped, either instead of or in addition to such imprisonment, or imprisonment with hard labour; and the said Justices shall from time to time appoint some fit and proper person, being a constable, to inflict the said punishment of whipping when so ordered to be inflicted out of prison: Provided always, that if such Justices upon the hearing of any such case shall deem the offence not to be proved, or that it is not expedient to inflict any punishment, they shall dismiss the party charged, on finding surety or sureties for his future good behaviour, or without such sureties, and then make out and deliver to the party charged a certificate, under the hands of such Justices stating the fact of such dismissal, and such certificate shall and may be in the form or to the effect set forth in the Schedule hereto annexed in that behalf: Provided also, that if such Justices shall be of opinion, before the person charged shall have made his or her defence, that the charge is from any circumstance a fit subject for prosecution by indictment, or if the person charged shall, upon being called upon to answer the charge, object to the case being summarily disposed of under the provisions of this Act, such Justices shall, instead of summarily adjudicating thereupon, deal with the case in all respects as if this Act had not been passed.

11. That any two or more Justices of the Peace for any county, riding, division, borough, liberty, or place in petty sessions assembled, and in open court, before whom any such person as aforesaid charged with any offence made punishable under this Act shall be brought or appear, are hereby authorized to hear and determine the case under the provisions of this Act: Provided always, that any magistrate of the police courts of the metropolis sitting at any such police court, and any stipendiary magistrate sitting in open court, having by law the power to do acts usually required to be done by two or more Justices of the Peace, shall and may within their respective jurisdictions hear and determine every charge under this Act, and exercise all the powers herein contained, in like manner and as fully and effectually as two or more Justices of the Peace in petty sessions assembled as aforesaid can or may do by virtue of the provisions in this Act contained.

111. That every person who shall have obtained such certificate of dismissal as aforesaid, and every person who shall have been convicted under the authority of this Act, shall be released from all further or other proceedings for the same cause.

And for the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act :—

It is Enacted,

1*v.* That where any person whose age is alleged not to exceed fourteen years shall be charged with any such offence on the oath of a credible witness before any Justice of the Peace, such Justice may issue his summons or warrant to summon or to apprehend the person so charged to appear before any two Justices of the Peace in petty sessions assembled as aforesaid at a time and place to be named in such summons or warrant.

v. That any Justice or Justices of the Peace, if he or they shall think fit, may remand for further examination or for trial, or suffer to go at large upon his or her finding sufficient surety or sureties, any such person as aforesaid charged before him or them with any such offence as aforesaid; and every such surety shall be bound by recognizance to be conditioned for the appearance of such person before the same or some other Justice or Justices of the Peace for further examination, or for trial before two or more Justices of the Peace in petty sessions assembled as aforesaid, or for trial at some superior court, as the case may be; and every such recognizance may be enlarged from time to time by any such Justice or Justices to such further time as he or they shall appoint; and every such recognizance which shall not be enlarged shall be discharged without fee or reward, when the party shall have appeared according to the condition thereof.

VI. That every fine imposed by any Justices under the authority of this Act shall be paid to the clerk to the convicting Justices, and shall be by him paid over to the use of the general county rate, or rate in the nature of a general county rate, for the county, riding, division, borough, liberty, franchise, city, town, or place in which the offence in respect of which such fine shall be imposed may have been committed.

VII. That it shall be lawful for any Justice of the Peace by summons to require the attendance of any person as a witness upon the hearing of any case before two Justices, under the authority of this Act, at a time and place to be named in such summons; and such Justice may require and bind by recognizance all persons whom he may consider necessary to be examined touching the matter of such charge to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of such charge; and in case any person so summoned or required or bound as aforesaid shall neglect or refuse to attend in pursuance of such summons or recognizance, then upon proof being first given of such person's having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, it shall be lawful for the Justices before whom any such person ought to have attended to issue their warrant to compel his appearance as a witness.

VIII. That every summons issued under the authority of this Act may be served by delivering a copy of the summons to the party, or by delivering a copy of the summons to some inmate at such party's usual place of abode, and every person so required, by any writing under the hand or hands of any Justice or Justices, to attend and give evidence as aforesaid, shall be deemed to have been duly summoned.

IX. That the Justices before whom any person shall be summarily convicted of any such offence as hereinbefore mentioned may cause the conviction to be drawn up in the form of words set forth in the Schedule to this Act annexed, or in any other form of words to the same effect, which conviction shall be good and effectual to all intents and purposes.

X. That no such conviction shall be quashed for want of form, or be removed by *certiorari* or otherwise into any of Her Majesty's superior courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

XI. That the Justices of the Peace before whom any person shall be convicted under the provisions of this Act shall forthwith thereafter transmit the conviction and recognizances to the clerk of the peace for the county, borough, liberty, or place wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court of General Quarter Sessions of the Peace; and the said clerk of the peace shall transmit to one of Her Majesty's principal Secretaries of State a monthly return of the names, offences, and punishments mentioned in the convictions, with such other particulars as may from time to time be required.

XII. That no conviction under the authority of this Act shall be attended with any forfeiture, but whenever any person shall be deemed guilty under the provisions of this Act it shall be lawful for the presiding Justices to order restitution of the property in respect of which such offence shall have been committed to the owner thereof or his representatives, and if such property shall not then be forthcoming, the same Justices, whether they award punishment or dismiss the complaint, may inquire into and ascertain the value thereof in money, and if they think proper order payment of such sum of money to the true owner, by the person or persons convicted, either at one time or by instalments at such periods as the Court may deem reasonable, and the party or parties so ordered to pay shall be liable to be sued for the same as a debt in any court in which debts may be by law recovered, with costs of suit, according to the practice of such court.

XIII. That whenever any Justices of the Peace shall adjudge any offender to forfeit and pay a pecuniary penalty under the authority of this Act, and such penalty shall not be forthwith paid, it shall be lawful for such Justices, if they shall deem it expedient, to appoint some future day for the payment of such penalty, and to order the offender to be detained in safe custody until the day so to be appointed, unless such offender shall give security to the satisfaction of such Justices for his or her appearance on such day; and such Justices are hereby empowered to take such security by way of recognizance or otherwise, at their discretion; and if at the time so appointed such penalty shall not be paid, it shall be lawful for the same or any other Justices of the Peace, by warrant under their hands and seals, to commit the offender to the common gaol or house of correction within their jurisdiction, there to remain for any time not exceeding three calendar months, reckoned from the day of such adjudication, such imprisonment to cease on payment of the said penalty.

XIV. That the Justices in petty sessions assembled as aforesaid, before whom any person shall be prosecuted or tried for any offence cognizable under this Act, are hereby authorized and empowered, at their discretion, at the request of the prosecutor or of any other person who shall appear on recognizance or summons to prosecute or give evidence against any person accused of any such offence, to order payment to the prosecutor and witnesses for the prosecution of such sums of money as to the Justices shall seem reasonable and sufficient to reimburse such prosecutor and witnesses for the expenses they shall have severally incurred in attending before the examining magistrate, and in otherwise carrying on such prosecution, and also to compensate them for their trouble and loss of time therein, and to order payment to the constables and other peace officers for the apprehension and detention of any person or persons so charged; and although no conviction shall actually take place, it shall be lawful for the said Justices to order all or any of the payments aforesaid when they shall be of opinion that the parties or any of them have acted *bonâ fide*; and the amount of expenses of attending before the examining magistrate, and the compensation for trouble and loss of time therein, and the allowances to the constables and other peace officers for the apprehension and detention of the offender, and the allowances to be paid to the prosecutor, witnesses, and constables for attending at the said petty sessions, shall be ascertained by and certified under the hands of the Justices in such petty session assembled as aforesaid: Provided always, that the amount of the costs, charges, and expenses attending any such prosecution, to be allowed and paid as aforesaid, shall not in any one case exceed the sum of 40s.: Provided also, that no expenses shall be allowed to prosecutors, witnesses, and constables exceeding the sums allowed, according to a scale of fees and allowances authorized and settled by the Justices of the Peace at Quarter Sessions assembled, according to the statute in such case made and provided with respect to preliminary inquiries before Justices of the Peace in cases of felony.

xv. That every such order of payment to any prosecutor or other person, after the amount thereof shall have been certified by the Justices as aforesaid, shall be forthwith made out and delivered by the clerk of the said petty session unto such prosecutor or other person, upon such clerk being paid for the same the sum of 6d. for every such person, and no more, and, except in cases hereinafter provided for, shall be made upon the treasurer of the county, riding, or division in which the offence shall have been committed, or shall be supposed to have been committed, who is hereby authorized and required, upon sight of every such order, forthwith to pay to the person named therein, or to any other person duly authorized to receive the same on his or her behalf, the money in such order mentioned, and shall be allowed the same in his accounts: Provided always, that no such order shall be valid, nor shall such treasurer pay any money thereon, unless it shall have been framed and presented in such form and under such regulations as the Justices of the Peace in Quarter Sessions assembled shall from time to time direct.

And after reciting that offences cognizable under this Act may be committed in liberties, franchises, cities, towns, and places which do not contribute to the payment of any county rate, some of which raise a rate in the nature of a county rate, and others have neither any such rate nor any fund applicable to similar purposes, and it is just that such liberties, franchises, cities, towns, and places should be charged with all costs, expenses, and compensations ordered by virtue of this Act in respect of such offences as aforesaid committed or supposed to have been committed therein respectively:—

It is Enacted,

xvi. That all sums directed to be paid by virtue of this Act in respect of such offences as aforesaid committed or supposed to have been committed in such liberties, franchises, cities, towns, and places shall be paid out of the rate in the nature of a county rate, or out of any fund applicable to similar purposes, where there is such a rate or fund, by the treasurer or other officer having the collection or disbursement of such rate or fund, and where there is no such rate or fund in such liberties, franchises, cities, towns, or places, shall be paid out of the rate or fund for the relief of the poor of the parish or township, district or precinct therein, where the offence was committed or supposed to have been committed, by the overseers or other officers having the collection or disbursement of such last-mentioned rate or fund; and the order of Court shall in every such case be directed to such treasurer, overseers, or other officers respectively, instead of the treasurer of the county, riding, or division, as the case may require.

And for the protection of persons acting in the execution of this Act, it is enacted,—

xvii. That all actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within three calendar months after the fact committed, and not otherwise; and notice in writing of such action or prosecution, and of the cause thereof, shall be given to the defendant one calendar month at least before the commencement of the action or prosecution; and in any such action or prosecution the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action or prosecution after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases; and though a verdict shall be given for the plaintiff in such action, the plaintiff shall not have costs against the defendant unless the Judge before whom the trial shall be shall certify his approbation of the action and of the verdict obtained thereupon.

xviii. That nothing in this Act contained shall extend to Scotland or Ireland.

xix. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULE of Forms to which this Act refers.

Form of Certificate of Dismissal.

to wit. } WE of Her Majesty's Justices of the Peace for the County of [or I, a Magistrate
Day of } of the Police Court of as the Case may be,] do hereby certify, That on the
in the Year of our Lord at in the said County of
M.N. was brought before us the said Justices [or me the said Magistrate] charged with the following
Offence, (that is to say,) [here state briefly the Particulars of the Charge], and that we the said Justices [or I the said Magistrate]
thereupon dismissed the said Charge. Given under our Hands [or my Hand] this Day of

Form of Conviction.

to wit. } BE it remembered, That on the Day of in the Year of our Lord One
thousand eight hundred and at in the County of [or
Riding, Division, Liberty, City, &c., as the Case may be,] A.O. is convicted before us, J.P. and Q.R., Two of Her Majesty's
Justices of the Peace for the said County [or Riding, &c.], [or me, S.T., a Magistrate of the Police Court of
as the Case may be], for that he the said A.O. did [specify the Offence, and the Time and Place when and where the same was

committed, as the Case may be, but without setting forth the Evidence], and we the said J.P. and Q.R. [or I the said S.T.] adjudge the said A.O. for his said Offence to be imprisoned in the [or to be imprisoned in the
and there kept to hard Labour for the Space of], or we [or I] adjudge the said A.O. for his said Offence
to forfeit and pay], [here state the Penalty actually imposed], and in default of immediate Payment of
the said Sum, to be imprisoned in the [or to be imprisoned in the and there kept to
hard Labour] for the Space of unless the said Sum shall be sooner paid. Given under our Hands and Seals
[or my Hand and Seal] the Day and Year first above mentioned.

CAP. LXXXIII.

AN ACT for the Naturalization of Aliens.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *All Acts, &c. of colonial legislatures imparting privileges of naturalization valid.*
2. *All laws, &c. hereafter made imparting privileges of naturalization valid, but subject to confirmation or disallowance by Her Majesty.*
3. *7 & 8 Vict. c. 66. not to extend to colonies or possessions abroad.*
4. *Act may be amended, &c.*

By this Act,

After reciting that by divers Acts, statutes, or ordinances enacted by the legislatures of divers of Her Majesty's colonies or possessions abroad provision hath been made for imparting to divers aliens there resident the privileges or some of the privileges of naturalization, to be exercised and enjoyed within the respective limits of such colonies and possessions respectively: And that doubts have arisen as to the competency of the said legislatures to enact any such laws, statutes, or ordinances, and as to the validity of the same when so enacted, and it is expedient that such doubts be removed:—

It is Enacted,

I. That all Acts, statutes, and ordinances heretofore made and enacted by the legislatures of any of Her Majesty's colonies and possessions abroad for imparting to any person or persons the privileges or any of the privileges of naturalization, to be by such person or persons exercised and enjoyed within the respective limits of such colonies or possessions respectively, shall within such limits have and be taken and reputed to have had from the time of the enactment thereof respectively all such and the same force and effect as doth by law belong to any other law, statute, or ordinance made or enacted by any such respective legislatures.

II. And it is enacted and declared, That all laws, statutes, and ordinances which shall hereafter be made and enacted by the legislatures of any of Her Majesty's colonies or possessions abroad for imparting to any person or persons the privileges or any of the privileges of naturalization, to be by any such person or persons exercised and enjoyed within the limits of any such colonies and possessions respectively, shall within such limits have the force and authority of law, any law, statute, or usage to the contrary in anywise notwithstanding: Provided nevertheless, that all such laws, statutes, and ordinances shall be made and enacted in such manner and form, and subject to and in conformity with all such rules as now are or hereafter shall be in force in respect of other laws, statutes, or ordinances enacted or to be enacted by any such legislatures respectively, and shall and may be confirmed or disallowed by Her Majesty in such and the same manner, and subject to the same rules and regulations as extend or as shall hereafter extend to the confirmation or disallowance of any other such laws, statutes, or ordinances.

And after reciting that a certain Act was made and enacted, 7 & 8 Vict. c. 66, intituled, 'An Act to amend the Laws relating to Aliens': And that doubts have arisen whether the said recited Act, 7 & 8 Vict. c. 66, extends to and is in force in Her Majesty's colonies or possessions abroad:—

It is Enacted and Declared,

III. That the said recited Act, 7 & 8 Vict. c. 66, or any part of it, doth not extend to the said colonies or possessions, or to any of them.

IV. That this Act may be amended or repealed by any other Act of this present session of Parliament.

CAP. LXXXIV.—IRELAND.

AN ACT to make Provision for the Punishment of Vagrants and Persons offending against the Laws in force for the Relief of the destitute Poor in *Ireland*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of 1 & 2 Vict. c. 56. as provides for the punishment of persons deserting their wives and children repealed.*
2. *Punishment of persons deserting or wilfully neglecting to maintain their wives or children.*
3. *Punishment of persons wandering abroad, or begging in public places, &c.*
4. *Power to apprehend persons offending against this Act without warrant.*
5. *Warrants may be issued for apprehension of persons.*
6. *Proceedings not to be quashed for want of form, &c.—Form of Conviction.*
7. *Conviction to be transmitted to next Petty or Quarter Sessions.*
8. *Interpretation of Act.*
9. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient to make further provision for the punishment of beggars and vagrants and persons offending against the laws in force for the relief of the destitute poor in Ireland:—

It is Enacted,

i. That so much of an Act, 1 & 2 Vict. c. 56, intituled, ‘An Act for the more effectual Relief of the destitute Poor in Ireland,’ as provides for the punishment of persons deserting and leaving their wives or any children whom such persons may be liable to maintain, so that such wives or children should become destitute and be relieved in the workhouse of a union, shall be repealed.

ii. That every person who shall desert or wilfully neglect to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland, shall on conviction thereof before any Justice of the Peace be committed to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding three calendar months.

iii. That every person wandering abroad and begging, or placing himself in any public place, street, highway, court, or passage to beg or gather alms, or causing or procuring or encouraging any child or children so to do, and every person who, having been resident in any union in Ireland, shall go from such union to some other union, or from one electoral or relief district to another electoral or relief district in Ireland, for the purpose of obtaining relief in such last-mentioned union or district, shall on conviction thereof before any Justice of the Peace, if such Justice shall think fit, be committed to the common gaol or house of correction, there to be kept to hard labour for any time not exceeding one calendar month.

iv. That it shall be lawful for any person whatsoever to apprehend any person whom he shall find offending against this Act, and to take and convey such offender as soon as may be reasonably practicable before any Justice of the Peace, to be dealt with as is hereinbefore provided, or to deliver him to any constable or other peace officer of the county or place wherein he shall have been apprehended to be so taken and conveyed as aforesaid; and it shall be the duty of every constable or peace officer to take into his custody every such offender so delivered to him, and to take and convey such offender before a Justice of the Peace as soon as may be reasonably practicable, to be dealt with as is directed by this Act.

v. That it shall be lawful for any Justice of the Peace, upon proof that any person hath committed any of the offences hereinbefore mentioned, to issue his warrant to apprehend such offender, and to bring him before the same or some other Justice of the Peace, to be dealt with as is directed by this Act.

vi. That no proceeding by or before any Justice of the Peace under the provisions of this Act shall be quashed for want of form, or shall be removeable into any of Her Majesty’s superior courts by writ of certiorari; and every conviction under this Act shall be in the form or to the effect following, or as near thereto as circumstances will permit; (that is to say,)

‘Be it remembered, That on the _____ Day of _____ in the Year of our Lord _____ at _____ in the County of _____ A.B. is convicted before me, C.D., one of Her Majesty’s Justices of the Peace in and for the said County, of an Offence against the Statute made in the Tenth Year of the Reign of Her Majesty Queen Victoria, intituled “An Act to make Provision for the Punishment of Vagrants and Persons offending against the Laws in force for the Relief of the destitute Poor in Ireland;” (that is to say,) for that the said A.B. on the _____ Day of _____ at _____ in the said County [here state the Offence proved before the Magistrate] and for which said Offence the said A.B. is adjudged to be committed to the House of Correction at _____ there to be kept to hard Labour for the Space of _____

‘Given under my Hand and Seal the Day, Year, and at the Place first above written.’

VII. That the Justice of the Peace before whom any such conviction shall take place shall transmit the same to the Petty Sessions then next ensuing to be holden for the district in which such conviction shall have taken place, and if there shall be no such Petty Sessions then to the next General or Quarter Sessions of the Peace to be holden in and for the county, county of a city, or county of a town, or place, wherein such conviction has taken place, there to be filed and kept on record.

VIII. That in the construction of this Act every word importing the singular number or masculine gender only shall, except where the context excludes such construction, be understood to include and shall be applied to several persons, matters, or things as well as one person, matter, or thing, and to females as well as males respectively; and that the word "Justice" shall be understood to include and extend to any Justice of the Peace or magistrate of a county, county of a city, or county of a town, or of any city or town corporate; and that the word "Constable" shall be understood to include all chief and other constables and sub-constables appointed under any Act relating to the constabulary force of Ireland, or for the regulation of the police district of Dublin.

IX. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. LXXXV.

AN ACT for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of 3 & 4 Vict. c. 96. as enacts that no letter exceeding sixteen ounces weight shall be sent by post, repealed.*
2. *Power to Treasury to fix maximum weight of letters to be sent by post from time to time.*
3. *Power to collect foreign and colonial rates, and to require prepayment of postage in money or stamps.*
4. *Power to Treasury to reduce British postage.*
5. *Power to allow writing or marks, &c., in addition to the direction, to be put on printed newspapers.*
6. *Repeal of restriction on letters of seamen, &c. liable to foreign postage.*
7. *Privilege to be enjoyed by them, but subject to payment of foreign postage.*
8. *Receipts to be given for post letters, &c. at expence of person requiring the same.*
9. *Dies to be provided by Commissioners of Stamps and Taxes.*
10. *Letters sent contrary to the regulations of this or the recited Act may be detained.*
11. *Commissioners under any fiat of bankruptcy may order letters addressed to the bankrupt to be redirected or delivered to the official assignee.*
12. *Power to compel senders to pay postage of rejected letters.*
13. *Post office stamps to be evidence of letters being rejected.*
14. *In proceedings for postage the apparent writer to be deemed the sender of a letter.*
15. *Post office tax to be evidence of postage due.*
16. *Power to send mails by railways in manner prescribed by 1 & 2 Vict. c. 98. without a guard.*
17. *Postage duties to be part of the post office revenue.*
18. *Treasury warrants may be signed by three Commissioners.*
19. *London Gazette to be evidence of Treasury warrants.*
20. *Interpretation of Act.*
21. *Commencement of Act.*
22. *Act may be altered, &c.*

By this Act,

After reciting that by 3 & 4 Vict. c. 96. it is enacted, that no letter exceeding sixteen ounces in weight shall be forwarded by the post between places within the United Kingdom, except as therein mentioned: and that it is expedient that such enactment should be repealed:—

It is Enacted,

1. That the said enactment shall be and the same is hereby repealed.

11. That in order to prevent packets of an unwieldy bulk or an inconvenient size being transmitted by the post it shall be lawful for the Commissioners of Her Majesty's Treasury, at any time or times hereafter, by warrant under their hands, to fix the maximum weight of letters to be sent by the post, and from time to time to repeal or revoke such maximum weight, wholly or in part, and declare any other maximum of weight in lieu thereof; and all letters shall be forwarded, conveyed, and delivered by the post in conformity with any such warrant, and also in conformity with and under and subject to all such orders, conditions, limitations, regulations, and restrictions as to the form, size, or dimensions thereof, whether in proportion to the weight or otherwise as the Postmaster General, with the consent of the Commissioners of Her Majesty's Treasury, shall from time to time direct.

III. That the Postmaster General may collect and receive the foreign and colonial postage charged or chargeable on any letters sent by the post, and may also, with the consent of the Commissioners of Her Majesty's Treasury, require the postage (British, colonial, or foreign,) of any letters sent by the post to be pre-paid, either in money or in stamps (as he may think fit), on the same being put into the Post Office, and he may also, with such consent, abolish, or restrict the pre-payment in money of postage on letters sent by the post, either altogether or on certain letters, and may require the pre-payment thereof to be in stamps, and may refuse to receive or send by the post any letters tendered contrary to any regulations made under this enactment.

IV. That in all cases in which the British postage chargeable on any letters sent by the post shall exceed the sum of 1d, it shall be lawful for the Commissioners of Her Majesty's Treasury, by warrant under their hands, to reduce such postage to any other rate of postage they may from time to time think fit.

V. That it shall be lawful for the Postmaster General, if he shall think fit (with the consent of the Commissioners of Her Majesty's Treasury), to allow any printed words, writing, or marks (in addition to the direction) to be put on any printed newspapers or other printed papers sent by the post, or on the covers thereof; and any such newspapers or other printed papers shall from thenceforth be forwarded either free of postage, or subject to such rates of postage as the Postmaster General, with the consent of the Commissioners of Her Majesty's Treasury, shall from time to time direct.

VI. That the enactment in the said Act, 3 & 4 Vict. c. 96, that the privilege thereby given to seamen and soldiers shall not extend to any letters liable to any foreign rates of postage, shall be and the same is hereby repealed.

VII. That the privilege given to seamen and soldiers by the said Act, 3 & 4 Vict. c. 96, shall be enjoyed by such seamen and soldiers, whether any such letters shall be liable to any foreign postage or not, but subject to the payment of the foreign postage, if any be chargeable thereon.

VIII. That it shall be lawful for the Postmaster General (if he shall think fit) to direct, that in case a receipt for any letters brought to the Post Office to be forwarded by the post shall be required, a printed or written receipt shall be given for the same, in such form as the Postmaster General shall appoint, at the expense of the person requiring the same; and the charge for such receipt shall be fixed at such amount, and shall be collected or paid at such time and in such manner, whether in stamps or in money, as the Postmaster General, with the consent of the Commissioners of Her Majesty's Treasury, shall from time to time direct; and the letters for which such receipts may be required shall be delivered to the Post Office, and shall also be delivered by the Post Office, under and subject to all such regulations in every respect as the Postmaster General shall from time to time appoint; but the giving of such receipts shall not render the Postmaster General or any officer of the Post Office or the Post Office revenue liable for the loss of any such letters or the contents thereof.

IX. That the Commissioners of Stamps and Taxes shall from time to time provide proper and sufficient dies and other implements for expressing and denoting the rates or duties of postage payable within the United Kingdom under this Act, or under any warrant or warrants issued by the Commissioners of Her Majesty's Treasury under the provisions of this Act or the said recited Act, and also for expressing and denoting the duties to be payable upon any such receipts for letters to be forwarded by the post as aforesaid; and the duties which shall be expressed or denoted by any such dies shall be denominated and deemed to be stamp duties, and shall be under the care and management of the Commissioners of Stamps and Taxes for the time being; and so much of the said Act, 3 & 4 Vict. c. 96, as relates to the stamp duties arising under that Act shall, so far as the same may be applicable, and consistent with the provisions of this Act, be applicable to the stamp duties arising under this Act.

X. That it shall be lawful for the Postmaster General and any officer of the Post Office to detain any letters which shall be posted or sent by the post contrary to the regulations of this Act or the said recited Act, or contrary to any regulations made under the authority of this Act or the said recited Act, or contrary to the regulations of any Treasury warrant which shall be issued under or by virtue of this Act, or which has been or shall be issued under or by virtue of the said recited Act, and to open such letters, and either to return them to the senders thereof, or to forward them to the places of their destination, charged in either case with such rates of postage as the Postmaster General, with the consent of the Commissioners of Her Majesty's Treasury, shall from time to time direct.

XI. That it shall be lawful for any Commissioner of Bankrupts or any Court of Bankruptcy acting under any fiat or commission of bankruptcy, in England or Ireland to order that for a period not exceeding three calendar months from the date of any such order all post letters directed or addressed to any bankrupt at the place of which he shall be described in the fiat or commission awarded or issued against him shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the officers acting under him, to the official or other assignee, or other person named in such order; and that upon notice of any such order to be given to the Postmaster General, or the officers acting under him, by the official or other assignee, or other person named in such order, of the making of such order, it shall be lawful for the Postmaster General, or such officers aforesaid, in England or Ireland, to re-address, re-direct, send, or deliver all such post letters to the official or other assignee, or other person named in such order, accordingly; and such Commissioner or Court of Bankruptcy may, upon any application to be made for that purpose, renew any such order for a like or any other less period as often as may be necessary.

And after reciting that provision is made by the Post Office laws for payment of the postage of letters which have been refused, or which have been addressed to persons who are dead or cannot be found, by the writers or senders thereof; and it is expedient to extend such provisions to rejected letters in certain cases;—

It is Enacted,

XII. That in all cases in which the postage of any unstamped letter shall not have been paid by the sender thereof, and the party to whom such letter shall be addressed shall, upon receiving the same, and paying the postage thereof, be desirous to reject

such letter, and to compel the sender thereof to pay such postage, it shall be lawful for the Postmaster General upon the application of the party to whom any such letter shall be addressed, and under such regulations as the Postmaster General, with the consent of the Commissioners of Her Majesty's Treasury, shall think fit, to charge the postage thereof to the sender of such letter, and also the additional postage of returning the same to him, and in every such case the sender of such letter shall pay the postage of sending and also of returning the same: Provided that nothing herein contained shall operate to release the party to whom any such letter shall be originally addressed from his liability to pay the postage thereof upon the delivery of such letter to him.

XIII. That upon any trial or hearing of any action or proceeding for the recovery of any postage the production of any letter in respect of which such postage shall be sought to be recovered, having thereupon a post office stamp denoting that such letter had been refused or rejected, or that the party to whom any such letter had been addressed was dead or could not be found, shall be *prima facie* evidence of the refusal or rejection of such letter, or that such person was dead or could not be found, according to the import and meaning of the said post office stamp thereupon.

XIV. And it is enacted and declared, That in any suit or other proceeding for the recovery of any postage payable under or by virtue of the Post Office laws, the person from whom any letter in respect of which any postage shall be sought to be recovered shall purport to have come shall be deemed to be the sender thereof, and the onus shall lie upon the party proceeded against to prove that such letter did not come from and was not sent by him.

XV. That in all proceedings whatsoever for the recovery of any postage, either within the United Kingdom or within any of Her Majesty's colonies, the post office tax upon any letter shall in all cases be evidence of the liability of such letter to be so taxed, and that the sum so taxed thereupon is payable as and for the postage thereof.

And after reciting that by 1 & 2 Vict. c. 98, intituled 'An Act to provide for the Conveyance of the Mails by Railways,' provision is made for the transmission of the mails by railways:—

It is Enacted,

XVI. That it shall be lawful for the Postmaster General to require, in the manner prescribed by the said last-mentioned Act, that any mails and post letter bags shall be conveyed and forwarded by any railway company on their railway, under and pursuant to the said Act, notwithstanding any guard or other officer of the Post Office shall not be sent with the same or in charge thereof, and such mails and post letter bags shall be conveyed and forwarded by such railway company accordingly.

XVII. That all monies paid to or received by the Post Office for rates or duties of postage under or by virtue of this Act, or for receipts for letters sent by the post, shall form part of the revenue of the Post Office.

XVIII. That whenever the warrant of the Commissioners of Her Majesty's Treasury is required by this Act, such warrant may be under the hands of the Commissioners of Her Majesty's Treasury, or any three of them; and that whenever the order, consent, authority, or direction of the Commissioners of Her Majesty's Treasury is prescribed by this Act, such order, consent, authority, or direction (not being by warrant) may be signified either under the hands of the Commissioners of Her Majesty's Treasury, or any three of them, or under the hand of one of their secretaries or assistant secretaries.

XIX. That any printed copy of the *London Gazette* purporting to be printed and published by the person or persons having authority to print and publish the same shall be admitted as evidence by all Courts, Judges, Justices, and others, in any part of Her Majesty's dominions, of any Treasury warrant which shall be issued under or by virtue of this Act, or which has been or shall be issued under or by virtue of the said Act, 3 & 4 Vict. c. 96, or of an Act, 7 & 8 Vict. c. 49, intituled 'An Act for the better Regulation of Colonial Posts,' or either of them, and contained in any such *Gazette*, and of the due issuing thereof, and of the rates and regulations contained in any such warrant having been duly made and established, and of the other contents of any such warrant, without any further or other proof of such warrant.

XX. That this present Act shall be deemed and taken to be a Post Office Act; and that the following terms and expressions, whenever used in this Act, or in any Treasury warrant issued under or by virtue thereof, shall have the several interpretations hereinafter respectively set forth, unless such interpretations are repugnant to the subject-matter or inconsistent with the context in which they may be found; (that is to say,) that the term "by the post" shall include the conveyance by any post established under the authority or controul of the Postmaster General; and that the term "letter," as also the term "letters," used in this Act, shall be construed according to the interpretation of the term "letter" contained in the said Act, 7 & 8 Vict. c. 49; and that the term "railway," used in this Act and in the said Act, 1 & 2 Vict. c. 98, shall include every railway already constructed or hereafter to be constructed under the powers of any Act of Parliament; and that whenever the term "railway company" or "company of proprietors" is used in this Act, or in the said last-mentioned Act, it shall be construed to extend to include the proprietors for the time being of any such last-mentioned railway, and any lessees or tenants thereof; and that the several other terms and expressions used in this Act shall be construed according to the respective interpretations contained or referred to in the said Act, 3 & 4 Vict. c. 96, so far as those interpretations are not repugnant to the subject or inconsistent with the context of such terms and expressions.

XXI. That this Act shall come into operation on the 1st of August 1847.

XXII. That this Act may be altered or repealed by any Act to be passed during the present session of Parliament.

CAP. LXXXVI.

AN ACT to allow until the First Day of *March* One thousand eight hundred and forty-eight the Importation of Corn, Maize, Rice, Grain, Potatoes, Meal, Flour, Biscuit, and certain other similar Articles, from any Country, in any Ships.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Time for importing corn, &c. in vessels not British owned and navigated extended to 1st March, 1848.*
2. *Act may be amended, &c.*

By this Act,

After reciting that by 10 & 11 Vict. c. 2. it is enacted, that it shall be lawful until the 1st of September 1847 to import into the United Kingdom for home use, from any country, in any ship or vessel of any country, however navigated, certain articles in the said Act enumerated: and that it is expedient that permission so to import such articles should be given for a longer period:—

It is Enacted,

- I. That it shall be lawful for any person, until the 1st of March 1848, to import into the United Kingdom for home use, from any country, in any ship or vessel, wherever built, however owned, and however navigated, any corn, grain, meal, flour, buck wheat, buck wheat meal, maize or Indian corn, Indian corn meal, rice, rice meal, barley (pot or hulled), mandioca flour, biscuit (not being fancy biscuit or confectionery), or potatoes, the growth or produce of any country, anything in the law of navigation the contrary in anywise notwithstanding.
- II. That this Act may be amended or repealed by any Act to be passed in the present session.

CAP. LXXXVII.—IRELAND.

AN ACT to facilitate the Recovery of Public Monies advanced for the Relief of Distress in *Ireland* by the Employment of the labouring Poor.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *The total sums expended under recited Acts shall be ascertained by Commissioners of Public Works, and certified to the Treasury.*
2. *One moiety of such sums to be a free grant from the Consolidated Fund.*
3. *The other moiety, with interest up to 1st March 1848, shall be ascertained, and certified to secretaries of grand juries.*
4. *An annuity of 12l. per cent. per annum to be paid for ten years, in twenty instalments, to repay moiety with interest.*
5. *Commissioners of Public Works shall issue a certificate to each secretary of a grand jury at Spring Assizes 1848 of total sum expended, the moiety, with interest, to be repaid, and the annuity for repayment of same.*
6. *Grand jury at Spring Assizes 1848 shall present for the moiety and interest to be paid by twenty instalments, as specified in the certificate.*
7. *Each instalment of annuity to be raised and levied off respective baronies, &c. as poor rate.—Powers of recovery.*
8. *County treasurer to pay instalment of annuity at each assizes to Paymaster of Civil Services.*
9. *Supplemental certificate in cases where certain baronies have not been included in previous certificate.*
10. *Recited Act and this Act to be as one.*
11. *Act may be amended, &c.*

By this Act,

After reciting the passing of 9 & 10 Vict. c. 107, and that by the said recited Act provisions were made for the holding of extraordinary presentment sessions in certain districts in Ireland, and authorizing them to make presentments for public works within the districts for which such sessions were held, and authorizing the Commissioners of Public Works in Ireland, with the approval of the Commissioners of Her Majesty's Treasury, and also authorizing the Commissioners of Her Majesty's Treasury, to advance public monies in the manner in the said recited Act directed, for the execution of such of the said public works or of such parts thereof as should be approved as in the said Act required, and providing that the said Commissioners of Public Works should cause the execution of such works; and it is by the said recited Act enacted, that the monies from time to time to be advanced, pursuant to the provisions of the said Act, by the Commissioners of Her Majesty's Treasury, for the execution of any works under the said Act, in any county, county of a city, or county of a town, shall be repaid by grand jury presentments, by half-yearly instalments, not less than four and not exceeding twenty in number, as the Commissioners of Her Majesty's Treasury

shall direct, with interest at the rate of 3*l.* 10*s.* per cent. per annum, and to be raised and levied in the manner thereafter mentioned of the respective baronies or half-baronies, county of a city, or county of a town in respect whereof the works shall have been presented; and it is also thereby enacted, that any sum of money so to be raised and levied shall be charged upon and apportioned, raised, and levied upon and from the occupiers of and other persons rateable in respect of lands and hereditaments within such barony, half barony, county of a city, or county of a town respectively, and rated under the then last preceding rate or rates made or from time to time made in respect of the same under the provisions of 1 & 2 Vict. c. 56, and any Act amending the same, and shall be payable by the respective rate-payers in manner in the said recited Act provided: And that an Act was passed in the present session of Parliament, 10 & 11 Vict. c. 10, whereby, after reciting the said first-recited Act, and that by reason of the great increase of distress in Ireland it became necessary to provide further means of employing the labouring poor, and reciting that certain of the proceedings had in relation to presentments made at sessions held under the said first-recited Act were not in strict conformity with the provisions of the said first-recited Act, it is amongst other things enacted, that such proceedings should in certain cases be made valid; and further, that presentments made at presentment sessions after the 5th of October 1846 of works, other than works of drainage and subsoiling, to be executed in the several electoral divisions or parts of electoral divisions within the barony, half barony, county of a city, or county of a town for which such sessions shall have been held, should be rendered valid; and that any sum of money mentioned in any presentment made at any such sessions held after the 5th of October then last, and before the passing of the said Act, or so much thereof as has been or shall be expended in or about the works executed or to be executed under such presentments, shall be charged upon the barony, half barony, county of a city, or county of a town for which such sessions were held, or upon the electoral division or part thereof situate within such barony, half barony, county of a city, or county of a town respectively, within which such work shall have been or shall be executed, as shall be determined by the Commissioners of Public Works, by an instrument under the hands and seals of any two of them, subject to such appeal to the Lord Lieutenant, and to such determination of the Lord Lieutenant thereupon, as in the said Act is provided, and provision is thereby made for levying such monies accordingly: And that the failure of the potato crop in Ireland was more general and caused a greater amount of destitution than was anticipated at the time of the passing of the said first-recited Act, so that in consequence thereof famine prevailed in many parts of Ireland, and large sums of public money have been advanced by the Commissioners of Her Majesty's Treasury under and for the purposes of the said recited Acts, and it is expedient that, save as hereinafter provided, the repayment of one moiety of the said public monies advanced as aforesaid, and expended in manner aforesaid for the relief of such distress, should, notwithstanding anything in the said recited Acts, be remitted: And that it is also expedient to make further provision for the levy and collection of the other moiety of the said sums so advanced and expended, with the interest thereon, in manner hereinafter mentioned:—

It is Enacted,

I. That the Commissioners of Public Works in Ireland shall, before the Spring Assizes in the year 1848, and in the case of the county of Dublin before the presenting term of the said year, ascertain and certify to the Commissioners of Her Majesty's Treasury the total sums of public money advanced and expended within each county, county of a city, and county of a town in Ireland, in each barony, half barony, electoral division, part of an electoral division, or district thereof, (as the case may be,) in or about the execution of works under the provisions of the said recited Acts or either of them, save and except works of drainage or subsoiling, referred to and provided for in the said secondly-recited Act, and save and except also railway works and other works (if any) of a private nature, the expenses of which are to be provided for or payable by any company, person or persons, and which expenses are to be recovered under the provisions of said recited Acts.

II. That one moiety of the total sums so ascertained, and certified to the Commissioners of Her Majesty's Treasury to have been expended under the provisions of the said Acts or either of them, shall be deemed to be a grant from the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and shall not be liable to be repaid thereto, anything in the said recited Acts to the contrary notwithstanding.

III. That the other moiety of the sums so ascertained and certified, together with the interest thereon, shall be repaid in the manner hereinafter mentioned, and for such purpose the said Commissioners of Public Works shall ascertain the amount of the interest at the rate of 3*l.* 10*s.* per centum per annum on the moiety of the sums so ascertained and certified, calculating the same from 15th of August 1847 up to the 1st of March 1848, and shall add such amount of interest in each case to the moiety of the principal sums so ascertained and certified, and the compound sums so made up shall be by them certified to the respective secretaries of grand juries as hereinafter mentioned.

And after reciting that it is expedient that the compound sums of principal and interest so ascertained as last aforesaid should with the interest to accrue during their repayment, be discharged and paid by equal instalments by way of annuity:—

It is Enacted,

IV. That for every sum of 100*l.* of each such compound sum there shall be paid as hereinafter provided an annuity of 12*l.*, and so in proportion for any lesser sum during the period of ten years, and such annuity shall be charged upon the barony, half barony, electoral division, part of an electoral division, district, county of a city, or county of a town, (as the case may be,) in respect of which the said Commissioners shall as hereinafter provided certify the same to be due, and such annuity shall be payable by two instalments each year, one such instalment at each successive assizes, until twenty instalments shall have been paid, and the first of the same being payable at the Summer Assizes in the year 1848: Provided always, that in the case of the county of Dublin such instalments shall be payable at the successive periods limited for the payment of the respective moieties of grand jury cess for such county, the first of such instalments being paid at the period limited for the payment of the first moiety of such grand jury cess after the presenting term of the year 1848; provided also, that the whole of any such compound sum chargeable upon any barony, half barony, electoral division, part of an electoral division, district, county of a city, or county of a town, as the case may be, may be paid off at one payment, in any case where the grand jury shall think fit to make a presentment for that purpose, as hereinafter provided.

V. That the said Commissioners of Public Works shall, before the respective Spring Assizes in the years 1848, and in the case of the county of Dublin before the presenting term of the said year, certify to the secretary of the grand jury of each county

county of a city, and county of a town within which any of the said monies so ascertained and certified shall have been expended, under the provisions of the said recited Acts or either of them, the total amount of the said principal monies expended within such county, county of a city, or county of a town, the moiety thereof repayable as aforesaid, with the amount of interest on such moiety so calculated to the 1st of March 1848, and the instalment of annuity payable at each assizes or such period as aforesaid, in discharge of such compound sum of principal and interest; and such certificate shall be in such form as the Commissioners of Public Works shall, with the sanction of the Commissioners of Her Majesty's Treasury, think fit and suitable to the circumstances of the case, and shall have in a schedule thereto annexed, and to be deemed a part of the same, a statement of the proportion of such respective sums of money which shall so have been expended in, and the moiety thereof, with interest as aforesaid, and the instalment of annuity as aforesaid, chargeable upon and payable by each or any barony, half barony, electoral division, part of an electoral division, or district (as the case may be) within such county, county of a city, or county of a town; and such certificate, and schedule annexed thereto, shall be signed by two or more of the said Commissioners, and a copy thereof shall be furnished to the Paymaster of Civil Services in Ireland.

VI. That each such secretary of the grand jury shall lay such certificate before the grand jury of the county, county of a city, or county of a town to which the same shall relate, at the said Spring Assizes, or (in the case of the county of Dublin) at the presenting term in the year 1848; and it shall be lawful for each such grand jury, and they are respectively hereby required, without any application to presentment sessions, to present the total compound sum of principal and interest specified in such certificate to be payable as aforesaid by or out of such county, county of a city, or county of a town, or any part thereof respectively, and that the same shall be discharged by the payment of one such instalment of annuity as in such certificate specified, at each of the next succeeding assizes or periods limited for the payment of the moieties of grand jury cess as aforesaid, until twenty such instalments shall have been paid, each such instalment of annuity to be raised and levied off the respective baronies, half baronies, electoral divisions, parts of electoral divisions, or districts, as the case may be, specified in such certificate, in the several proportions therein specified with respect to the same, or off the county of a city or county of a town, as the case may be; and in all such cases, and also in case the grand jury of any such county, county of a city, or county of a town shall fail to present the said sums and instalments as mentioned in such certificate, the treasurer of such county, county of a city, or county of a town, and (in the case of the county of Dublin) the finance committee, shall and is and are hereby required, at the time of issuing the warrants for levying the grand jury cess after the said Spring Assizes or presenting term in the year 1848, and after each succeeding assizes or presenting term until twenty such instalments shall have been paid, without further presentment or authority, to insert the amount of such instalment or instalments of annuity in a separate warrant to be by him or them issued for the levy of the same, such amount of instalment to be raised and levied in the manner and proportions in the said certificate specified as aforesaid; and such proceeding by the treasurer or finance committee shall, in default of such presentment by grand jury, be as good and valid as if such sums had been duly presented by such grand jury: Provided always, that in the case of the county of Dublin the finance committee of the said county shall, in each such separate warrant to be issued by them as aforesaid, insert the amount of two such instalments, one instalment to be levied within the period limited for the payment of one moiety of grand jury cess in such county after each presenting term, and the other instalment within the period limited for the payment of the other moiety of such grand jury cess; provided also, that it shall be lawful for any such grand jury, when they shall so think fit, to present, as hereinafter mentioned, that the whole of such compound sum so charged upon or payable by any barony, half barony, electoral division, part of an electoral division, district, county of a city, or county of a town, as the case may be, shall be paid in one sum at the assizes or period limited as aforesaid next after the assizes or presenting term, as the case may be, at which such presentment shall be made.

VII. That any such sum of money to be from time to time raised and levied off any barony, half barony, electoral division, part of an electoral division, district, county of a city, or county of a town as aforesaid, shall be charged upon and apportioned, raised, and levied upon and from the occupiers of and other persons rateable in respect of lands and hereditaments within such barony, half barony, electoral division, part of an electoral division, district, county of a city, or county of a town respectively, and rated under the then last preceding rate or rates made or from time to time made in respect of the same under the provisions of an Act, 1 & 2 Vict. c. 56, for the more effectual relief of the destitute poor in Ireland, and the several Acts amending the same, and shall be payable by the respective rate-payers who under the said last preceding rate or rates shall have paid or contributed or been liable to pay or contribute rate in respect of property in such barony, half barony, electoral division, part of an electoral division, district, county of a city, or county of a town, according to the several valuations and proportions according to which respectively such last preceding rate or rates shall have been so made, charged upon, and payable by the rate-payers in respect of such land or hereditaments respectively; and any such sum of money shall be apportioned, assessed, and levied by the respective high constable or collector of grand jury cess for or in such barony, half barony, or place as aforesaid, as a poundage assessment equally upon the net annual value of the several lands and hereditaments within such barony, half barony, electoral division, part of an electoral division, district, or county of a city, or county of a town respectively rated as aforesaid, as such net annual value shall have been stated in such last preceding rate or valuation as aforesaid; and on receipt of the respective county treasurer's warrant as aforesaid such high constable or collector is hereby authorized and required to levy the money therein mentioned, and to give to the parties paying the same separate duplicate receipts therefor, which shall not be subject to stamp duty; and such money shall and may be collected and levied, sued for, and recovered by such and the same ways and means as any grand jury cess, or the money apportioned on the several persons liable to pay any grand jury cess, or any rate for the relief of the destitute poor, may be collected and levied, and within the same times as any grand jury cess and with like powers, authorities, immunities, and privileges to any such collector, as in case of the levying of any grand jury cess or any rate for the relief of the destitute poor in Ireland; and the several clauses, provisions, powers, and authorities in the said first-recited Act contained with respect to the monies to be raised and levied under the same, and the collectors thereof, and their powers, securities, remunerations, proceedings, and duties, and the obtaining copies of rates and valuations, and any penalty in respect of the same, and with respect to any deduction to be made from any rent in respect of any assessment under the said Act, and also the several provisions and powers of the said Acts for the more effectual relief of the destitute poor in Ireland with respect to any such deduction to be made from rent or tithe, shall be extended and applied to the monies to be assessed, raised, or levied under the provisions of this Act; and the several words and expressions to which an extended meaning is given in the said first-recited Act shall include the like significations in this Act.

VIII. That the treasurer of each such county, county of a city, or county of a town, or the finance committee, (as the case may be,) shall from time to time pay at each assizes, and in the county of Dublin at the respective times limited for paying in grand jury cases, the monies due in respect of each such instalment of annuity, to the Paymaster of Civil Services in Ireland, on account of repayments under the said recited Acts and this Act, and by him shall be paid over to the said Consolidated Fund, in such manner as the Commissioners of Her Majesty's Treasury shall direct.

IX. That in any case in which by reason of the pendency of any appeal from the decision of the Commissioners of Public Works under the provisions of the said secondly-recited Act, or for any other reason, the said Commissioners may be prevented from giving their certificate to the secretary of the grand jury of any county, county of a city, or county of a town, before the said Spring Assizes or presenting term in the year 1848, or from including in any such certificate any particular portion or portions of the monies required to be presented by such grand jury, and levied within such county, county of a city, or county of a town, under the provisions of the said recited Acts or either of them, it shall be lawful for the said Commissioners in their certificate, if any, to specify the particular barony, half barony, electoral division, part of an electoral division, or district, the expenditure for which as aforesaid is not included therein, and their said certificate shall nevertheless be as good and valid for the sums of money contained therein as if it had included all the sums of money which might have been included therein as aforesaid; and it shall be lawful for the said Commissioners, before the Summer Assizes or presenting term in the year 1848, or any subsequent assizes or presenting term, to transmit to the secretary of the grand jury of such county, county of a city, or county of a town, a supplemental certificate, containing the residue of the sum or sums of money to be presented, raised, and levied therein under the provisions of the said recited Acts or either of them, or an original certificate for the whole of such monies, as the case may be, but including therein interest as aforesaid up to the time when such certificate respectively shall be given; and such certificate or supplemental certificate shall be laid before such grand jury at such assizes or presenting term, who shall present for the monies specified in the same in manner hereinbefore provided, and the several provisions hereinbefore contained shall apply and be extended to such certificate or supplemental certificate, and to the monies specified therein, in like manner as in the case of any other certificate under the provisions of this Act.

X. That the said recited Acts and this Act shall be construed together as one Act.

XI. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. LXXXVIII.

AN ACT to defray until the First Day of *August* One thousand eight hundred and forty-eight the Charge of the Pay, Clothing, and contingent and other Expences of the Disembodied Militia in *Great Britain and Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

(22nd July 1847.)

This Act contains the following clauses :—

- i. Secretary at War to issue the money required for pay of regular militia.—Rates of pay.—Rates of pay when absent on furlough.—Clothing.—Contingent fund.
- ii. Adjutant, &c. to reside where the Secretary at War shall appoint.
- iii. Adjutants and non-commissioned officers of militia may be employed in their counties.
- iv. Adjutant to have charge of the arms and clothing, and to issue the money for contingent expenses on an order signed by the colonel. Balance to form a stock purse.
- v. In absence of the adjutant, the sergeants to be under the command of the serjeant major.
- vi. Militia when called out for training or exercise entitled to pay.
- vii. Allowances to subalterns and surgeons mates and assistant surgeons.—Rank of certain officers.
- viii. Certain persons not entitled to allowances.
- ix. A declaration to be taken to entitle officers, &c. to such allowances.—Form of declaration.
- x. Secretary at War may place certain officers unfit for duty upon a retired allowance, upon making a declaration.—Form of declaration.
- xi. Allowances to officers reduced in 1829.
- xii. A declaration to be taken by officers claiming the said allowances.—Form of declaration.
- xiii. Out-pension to reduced non-commissioned officers and drummers not to be received while serving.
- xiv. Subalterns, mates, &c. to attend the exercises, &c.—Commanding officers may grant leave of absence.
- xv. If the regiment be not called out before the time fixed for the payment, the allowance shall be paid, on making the declaration, without certificate of attendance.
- xvi. Allowances to be paid quarterly.
- xvii. On neglect of attendance, subalterns, &c. shall forfeit their claim to the allowance.
- xviii. Allowance not to be paid while the militia is embodied.

xx. Persons on half-pay, or entitled to allowance as having served in the army or navy, empowered to receive pay, &c. during training.

xx. Adjutants, &c., non-commissioned officers or privates, not to lose their right to Chelsea or Kilmainham pensions, &c.

xxi. Allowance to be made for medicines.

xxii. Adjutants appointed before 24th Dec. 1814 entitled to receive, after a service of 20 years, if unfit for further service, an allowance of 8s. per day; provided they do not hold certain other appointments.—Adjutants appointed since 24th Dec. 1814, entitled to receive, after thirty years service, &c., an allowance of 6s. per day.—Right to half pay reserved.—Certain terms extended to adjutants in cases of long and meritorious services.

xxiii. Allowances to adjutants, surgeons, and quartermasters. Right to half pay reserved.

xxiv. Reduced adjutants to receive 4s. per day till 31st July 1848. Right to half-pay reserved.

xxv. Adjutants and serjeant-majors entitled to allowance under 39 & 40 Geo. 3. c. 44.

xxvi. Allowances granted to adjutants who have been appointed since 24th Dec. 1814, &c. on completion of certain periods of service.—No adjutant whose commission bears date between 24th Dec. 1814 and 9th July 1823 excluded.—Right to half pay and pension reserved.

xxvii. Reduced adjutants may take such allowance with any pay or other allowance under 39 & 40 Geo. 3. c. 44. and 26 Geo. 3. c. 107.—Proviso.

xxviii. Restrictions as to allowances to reduced adjutants of the local militia.

xxix. Allowances to clerks of general and subdivision meetings in England.—Allowances to such officers and others in Scotland.

xxx. Manner of granting allowances.—Clerks, &c. to make declaration of the justness of their accounts.

xxxi. Deputy lieutenants may require the attendance of any surgeon residing near the place of meeting for appeals.—Declaration to be made by surgeon.—Allowance to surgeon.

xxxii. Pay, &c. to be issued under directions of the Secretary at War.

xxxiii. Bills drawn for pay, &c. may be on unstamped paper.

xxxiv. No fee to be taken.

xxxv. Expense of house for depositing arms, and stores the militia in Ireland, &c. to be defrayed by the county.—Proviso as to amount of rent.

xxxvi. Providing place for arms, &c.

xxxvii. Sale of place not required.

xxxviii. All things in this Act relating to counties shall extend to ridings, shires, &c.

xxxix. Continuance of Act.

CAP. LXXXIX.

AN ACT for consolidating in One Act certain Provisions usually contained in Acts for regulating the Police of Towns.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. Extent of Act.
2. Interpretations in this Act :—"the special Act;" "prescribed;" "the Commissioners."
3. Interpretations in this and the special Act :—"Number;" "gender;" "person;" "lands;" "street;" "month;" "superior courts;" "oath;" "county;" "Justice;" "two Justices;" "Quarter Sessions;" "cattle."
4. Short title of the Act.
5. Form in which portions of this Act may be incorporated with other Acts.
6. Appointment of constables.
7. Power to apply for additional constables in case of need.
8. Constables to be sworn in.
9. Expenses of prosecutions, and allowances to constables.
10. Constables not to resign without leave or notice.
11. Constables dismissed to deliver up accoutrements.
12. Penalty for unlawful possession of accoutrements, or for assuming the dress of constables.
13. Power to provide offices, watchhouses, &c.
14. Duties of constables.
15. Power to police constables and persons aggrieved to apprehend certain offenders.

Constables.

- Constables.** { 16. *Penalty for neglect of duty.*
17. *Power to constables to take recognizances.*
18. *Form of recognizances.*
19. *Recognizances to be registered and returned to the Justice.*
20. *Penalties on persons assaulting constables.*
- Obstructions and Nuisances.** { 21. *Power to prevent obstructions in the streets during public processions, &c.*
22. *Power to regulate the route of persons driving stage carriages, &c., during divine service.*
23. *Proprietors of stage carriages deviating from route by order free from penalty.*
24. *Power to impound stray cattle.*
25. *Power to sell stray cattle for penalty and expences.*
26. *Persons guilty of pound-breach to be committed for three months.*
27. *Power to provide a pound.*
28. *Penalty on persons committing any of the offences herein named.*
29. *Penalty on drunken persons, &c., guilty of riotous or indecent behaviour.*
30. *Penalty for setting chimneys wilfully on fire.*
31. *Penalty for accidentally allowing chimneys to catch fire.*
- Fires.** { 32. *Fire engines and firemen may be provided by the Commissioners.*
33. *Fire police permitted to go beyond the limits of the Act in certain cases.*
34. *Penalty on victuallers harbouring constables while on duty.*
35. *Penalty on coffee-shop keepers harbouring disorderly persons.*
36. *Penalty on persons keeping places for bear-baiting, cock-fighting, &c.*
37. *Hackney carriages to be licensed.*
38. *What to be hackney carriages.*
39. *Fee to be paid for licence.*
40. *Persons applying for licence to sign a requisition for same.*
41. *What shall be specified in the licences.*
42. *Licences to be registered.*
43. *Licence to be in force for one year only.*
44. *Notice to be given by proprietors of hackney carriages of any change of abode.*
45. *Penalty for plying for hire without a licence.*
46. *Drivers not to act without first obtaining a licence.*
47. *Penalty on drivers acting without licence.*
48. *Proprietor to retain licence of drivers when in his employ, and to produce the same when summoned, —Justices may indorse convictions upon licences. —Penalty on proprietors for neglect.*
49. *Proprietor to return licence to drivers when quitting his service if they behave well, if otherwise, proprietors to summon them. —Compensation in case of licence being improperly withheld.*
- Hackney Carriages.** { 50. *Licences to be suspended or revoked for misconduct.*
51. *Number of persons to be carried in a hackney carriage to be painted thereon.*
52. *Penalty for neglect or for refusal to carry the prescribed number.*
53. *Penalty on driver for refusing to drive.*
54. *Penalty for demanding more than the sum agreed for, though less than the legal fare.*
55. *Agreement to pay more than the legal fare not to be binding, and sum paid beyond the proper fare may be recovered back.*
56. *Driver to carry, under an agreement for a discretionary distance, the distance to which hirer is entitled for the fare.*
57. *Deposit to be made for carriages waiting. —Penalty on the driver refusing to wait, or to account for the deposit.*
58. *Overcharge by hackney coachmen, &c. to be included in conviction, and returned to aggrieved party.*
59. *Penalty for permitting persons to ride without consent of the hirer.*
60. *No person to act as driver of any carriage without the consent of the proprietor.*
61. *Penalty on drivers misbehaving.*
62. *Penalty for leaving carriages unattended at places of public resort.*
63. *Damage done by driver may be recovered from the proprietor.*
64. *Improperly standing with carriage; refusing to give way to, or obstructing any other driver; or depriving him of his fare.*
65. *Justices empowered to award compensation to drivers for loss of time in attending to answer complaints not substantiated.*
66. *Penalty for refusing to pay the fare.*
67. *Penalty for damaging carriage.*
68. *Commissioners may make bye-laws for regulating hackney carriages.*
- Bathing.** { 69. *Bathing machines.*
70. *Regulations as to rates.*
71. *Bye-laws.*
72. *Tender of amends.*
- Recovery of Damages and Penalties.** { 73. *Recovery of damages and penalties.*
74. *In Ireland part of penalties to be paid to guardians of unions.*
75. *All things required to be done by two Justices may, in certain cases, be done by one.*
76. *Persons giving false evidence liable to penalties of perjury.*

- Access to special Act.* { 77. Copies of special Act to be kept and deposited and allowed to be inspected.
78. Penalty on failing to keep or deposit such copies.
79. Act may be amended, &c.

By this Act,

After reciting that it is expedient to comprise in one Act sundry provisions usually contained in Acts of Parliament for regulating the police of towns and populous districts, and that as well for avoiding the necessity of repeating such provisions in each of the several Acts relating to such towns or districts, as for insuring greater uniformity in the provisions themselves :—

It is Enacted,

1. That this Act shall extend only to such towns or districts in England or Ireland as shall be comprised in any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith; and all the clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the town or district which shall be comprised in such Act, and to the Commissioners appointed for improving and regulating the same, so far as such clauses shall be applicable thereto respectively, and shall, with the clauses of every other Act which shall be incorporated therewith, form part of such Act, and be construed therewith as forming one Act.

And with respect to the construction of this Act, whether incorporated in whole or in part with any other Act, and of any Act incorporated therewith, it is enacted as follows :—

II. The expression “the special Act” used in this Act shall be construed to mean any Act which shall be hereafter passed for the improvement or regulation of any town or district defined or comprised therein and with which this Act shall be incorporated; and the word “prescribed,” used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act, and the sentence in which such word shall occur shall be construed as if, instead of the word “prescribed,” the expression “prescribed for that purpose in the special Act” had been used; and the expression “the Commissioners” shall mean the Commissioners, trustees, or other persons or body corporate intrusted by the special Act with powers for executing the purposes thereof.

III. The following words and expressions, in both this and the special Act, and any Act incorporated therewith, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number :

Words importing the masculine gender shall include females :

The word “person” shall include a corporation, whether aggregate or sole :

The word “lands” shall include messuages, lands, tenements, and hereditaments of any tenure :

The word “street” shall extend to and include any road, square, court, alley, and thoroughfare or public passage within the limits of the special Act :—

The word “month” shall mean calendar month :

The expression “superior courts” shall mean Her Majesty’s superior courts of record at Westminster or Dublin, as the case may require, and shall include the Court of Common Pleas of the county palatine of Lancaster and the Court of Common Pleas of the county of Durham :

The word “oath” shall include affirmation in the case of Quakers, and any declaration lawfully substituted for an oath in the case of any other person allowed by law to make a declaration instead of taking an oath :

The word “county” shall include riding or other division of a county having a separate commission of the peace, and shall also include county of a city or county of a town :

The word “Justice” shall mean Justice of the Peace acting for the county, city, borough, liberty, cinque port, or other place where the matter requiring the cognizance of any such Justice arises; and where any matter shall be authorized or required to be done by two Justices, the expression “two Justices” shall be understood to mean two or more Justices met and acting together :

The expression “Quarter Sessions” shall mean Quarter Sessions as defined in the special Act, and if such expression be not there defined, shall mean the General or Quarter Sessions of the Peace which shall be held in or at the place nearest to the district comprised within the special Act for the county in which such district or some part thereof is situated, or for some division of such county having a separate commission of the peace :

The word “cattle” shall include horses, asses, mules, sheep, goats, and swine.

And with respect to citing this Act, or any part thereof, it is enacted as follows :

IV. In citing this Act in other Acts of Parliament, and in legal instruments, it shall be enough to use the expression “the Town Police Clauses Act, 1847.”

V. For the purpose of incorporating part only of this Act with any Act hereafter to be passed it shall be enough to describe the clauses of this Act with respect to any matter in the words introductory to the enactment with respect to such matter, and to enact that the clauses so described, or that this Act, with the exception of the clauses so described, shall be incorporated with such Act, and thereupon all the clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if such clauses were set forth therein with reference to the matter to which such Act relates.

And with respect to the appointment and the powers, duties, and privileges of constables, it is enacted as follows :—

vi. If any constables shall have been appointed within the limits of the special Act under the provisions of an Act, 2 & 3 Vict. c. 93, intituled 'An Act for the Establishment of County and District Constables by the Authority of the Justices of the Peace;' and of another Act, 3 & 4 Vict. c. 88, intituled 'An Act to amend the Act for the Establishment of County and District Constables;' and if the Justices for the county in which such district is situated, in General or Quarter Session assembled report to one of Her Majesty's principal Secretaries of State that the constables so appointed ought to be discontinued, and the said constables be, in pursuance thereof or otherwise, discontinued, or where no constables shall have been appointed under the provisions of the last-mentioned Act, the Commissioners may from time to time appoint and employ a superintendent constable and also such number of constables as they judge necessary for the protection of the inhabitants and property within the said limits, and allow the superintendent constable and the other constables such salaries or wages as they think proper; and it shall be lawful for the Commissioners from time to time to remove any such superintendent constable, constables, and officers as they think fit.

vii. Where constables shall have been appointed under the last two recited Acts, or either of them, the Commissioners, if they think it necessary so to do, may apply to the chief constable of the county in which the district within the said limits is situated, under the provisions of the last-recited Act, to appoint any additional number of constables within the said limits, and they may pay the charge of such appointments out of the rates to be levied under this and the special Act.

viii. Any Justice may swear in any person appointed and employed as a constable under this and the special Act, and the constable so sworn in shall have within the limits of the special Act, and in any place not more than five miles beyond such limits, the like powers, privileges, and duties, and shall have the same indemnities and protection, and shall be subject to the like penalties and forfeitures, as any constable duly appointed has or is subject to within his constableness by law.

ix. The Commissioners may defray the expense of prosecuting any felons or offenders, and of defending any constable in the execution of his duty, and may make such allowances to any constable disabled in the execution of his duty, or worn out by length of service, as the Commissioners think reasonable.

x. No constable appointed under this or the special Act shall resign his office, or withdraw himself from the duties thereof, unless expressly allowed so to do in writing by the Commissioners or by the superintendent constable, or until after he has given to such superintendent constable one month's notice; and every constable who so resigns or withdraws himself without such leave or notice shall be liable to forfeit all arrears of pay then due to him, or to a penalty of not more than *5*l.**, or, in the discretion of the Justices before whom he shall be convicted, may be committed to prison, there to remain for a time not exceeding fourteen days.

xi. Every constable appointed under this or the special Act who is dismissed from or ceases to hold and exercise his office shall forthwith deliver over to the superintendent constable, or to such person and at such time and place as the Commissioners direct, all the clothing, accoutrements, appointments, and other necessaries which have been supplied to him for the execution of his duty, under pain of imprisonment, with or without hard labour, for any time not exceeding one month, and any Justice of the Peace may issue his warrant to search for and seize to the use of the Commissioners all the clothing, accoutrements, appointments, and other necessaries not so delivered over, wherever the same are found.

xii. Every person who, not being at the time a constable appointed under this or the special Act, has in his possession any article being part of the clothing, accoutrements, or appointments supplied to any such constable, and who is not able satisfactorily to account for his possession thereof, or who puts on the dress or takes the name, designation, or character of any person appointed as such constable, for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any act which such person would not be entitled to do or procure to be done of his own authority, or for any other unlawful purpose, shall, in addition to any other punishment to which he is liable for such offence, be liable to a penalty of not exceeding *10*l.**

xiii. The Commissioners may from time to time purchase or rent any buildings or land, and convert such buildings into or build on such land offices, watch-houses, lock-up houses, and other places necessary for the purposes of this and the special Act, with all proper conveniences thereto, and may repair the same from time to time, and furnish and fit up the same, and employ proper persons to take care thereof.

xiv. The constables appointed by virtue of this and the special Act shall keep watch and ward within the limits of the special Act, and shall use their best endeavours to prevent any mischief by fire, and all felonies, misdemeanours, and breaches of the peace.

xv. Any person found committing any offence punishable either upon indictment or as a misdemeanour upon summary conviction by virtue of this or the special Act may be taken into custody, without a warrant, by any of the said constables, or may be apprehended by the owner of the property on or with respect to which the offence is committed, or by his servant or any person authorized by him, and may be detained until he can be delivered into the custody of a constable; and the persons so arrested shall be taken, as soon as conveniently may be, before some Justice, to be examined and dealt with according to law: Provided always, that no person arrested under the powers of this or the special Act shall be detained in custody by any constable or other officer without the order of some Justice, longer than shall be necessary for bringing him before a Justice, or than forty hours at the utmost.

xvi. Every constable acting within the limits of the special Act who is guilty of any neglect or violation of his duty as a constable, and convicted thereof before two Justices, shall be liable to a penalty not exceeding *10*l.**, the amount of which penalty may be deducted from the salary or wages due to him or to become due to him, or, in the discretion of the Justices before whom he is convicted he may lawfully be imprisoned for any time not exceeding one month, with or without hard labour.

xvii. Whenever any person charged with any offence under this or the special Act, or any Act incorporated therewith, not amounting to felony, and of which he is liable to be summarily convicted before a Justice, is in the custody of any constable acting as aforesaid, without the warrant of a Justice, the superintendent constable of the district, or appointed under this Act, or other the superior officer of police acting within the said limits, may, if he deem it prudent so to do, but in such cases only in which the offender cannot be conveniently taken before a Justice, take the recognizance of such person with or without sureties, conditioned as hereinafter mentioned.

xviii. Every recognizance so taken shall be taken without fee or reward, and shall be conditioned for the appearance of the person thereby bound before a Justice, at a certain day not later than seven days from the date of such recognizance, and the time and place of such appearance shall be specified in the recognizance.

xix. The officer taking any such recognizance shall enter in a book to be kept for that purpose the name, residence, and occupation of the party and his sureties, if any, entering into such recognizance, together with the conditions thereof, and the sum thereby acknowledged, and shall return every such recognizance to the Justice at the time and place when and where the party is bound to appear, and every such recognizance shall have the like force and effect as if the same had been taken before a Justice.

xx. Every person who assaults or resists, or who aids and incites any person to assault or resist, any constable in the execution of his duty under the provisions of this or the special Act, shall for every such offence be liable to a penalty not exceeding 5*l.*, or, in the discretion of the Justice before whom he is convicted, may be imprisoned for any term not exceeding one month, with or without hard labour.

And with respect to obstructions and nuisances in the streets, it is enacted as follows:—

xxi. The Commissioners may from time to time make orders for the route to be observed by all carts, carriages, horses, and persons, and for preventing obstruction of the streets within the limits of the special Act, in all times of public processions, rejoicings, or illuminations, and in any case when the streets are thronged or liable to be obstructed, and may also give directions to the constables for keeping order and preventing any obstruction of the streets in the neighbourhood of theatres and other places of public resort, and every wilful breach of any such order shall be deemed a separate offence against this Act, and every person committing any such offence shall be liable to a penalty not exceeding 40*s.*

xxii. On application to the Commissioners by the minister or churchwardens or chapelwardens of any church, chapel, or other place of public worship within the limits of the special Act, the Commissioners may make orders for regulating the route by which persons shall drive any cart or carriage, or cattle, or the manner in which they shall drive, them in the neighbourhood of such places of worship, during the hours of divine service on Sunday, Christmas Day, Good Friday, or any day appointed for a public fast or thanksgiving, and any orders so made shall be printed and put up on or near the church, chapel, or place of public worship to which the same refer, and in some conspicuous places near and leading thereto, and elsewhere as the Commissioners direct, and every wilful breach of any such order shall be deemed a separate offence against this Act, and every person committing any such offence shall be liable to a penalty not exceeding 40*s.*

xxiii. No proprietor of any stage carriage duly licensed to carry passengers for hire shall be liable to any penalty for any deviation from the route or line of route specified in his licence which the driver of such stage carriage makes in consequence of any regulation or direction made or given by the Commissioners.

xxiv. If any cattle be at any time found at large in any street within the limits of the special Act, without any person having the charge thereof, any constable or officer of police, or any person residing within the limits of the special Act, may seize and impound such cattle in any common pound within the said limits, or in such other place as the Commissioners appoint for that purpose, and may detain the same therein until the owner thereof pay to the Commissioners a penalty not exceeding 40*s.*, besides the reasonable expenses of impounding and keeping such cattle.

xxv. If the said penalty and expences be not paid within three days after such impounding, the pound-keeper or other person appointed by the Commissioners for that purpose, may proceed to sell or cause to be sold any such cattle; but previous to such sale seven days' notice thereof shall be given to or left at the dwelling-house or place of abode of the owner of such cattle, if he be known, or if not, then notice of such intended sale shall be given by advertisement, to be inserted seven days before such sale in some newspaper published or circulated within the limits of the special Act; and the money arising from such sale, after deducting the said sums, and the expenses aforesaid, and all other expenses attending the impounding, advertising, keeping, and sale of any such cattle so impounded, shall be paid to the Commissioners, and shall be by them paid, on demand, to the owner of the cattle so sold.

xxvi. Every person who releases or attempts to release any cattle from any pound or place where the same are impounded under the authority of this or the special Act, or who pulls down, damages, or destroys the same pound or place, or any part thereof, with intent to procure the unlawful release of such cattle, shall, upon conviction of such offence before any two Justices, be committed by them to some common gaol or house of correction for any time not exceeding three months.

xxvii. The Commissioners may purchase a piece of land within the limits of the special Act for the purpose of a pound for stray animals, and may erect a pound thereon, and such pound when made shall be kept in repair by the Commissioners.

xxviii. Every person who in any street, to the obstruction, annoyance, or danger of the residents or passengers, commits any of the following offences, shall be liable to a penalty not exceeding 40*s.* for each offence, or, in the discretion of the Justice before whom he is convicted, may be committed to prison, there to remain for a period not exceeding fourteen days, and any constable or other officer appointed by virtue of this or the special Act shall take into custody, without warrant, and forthwith convey before a Justice, any person who within his view commits any such offence; (that is to say,)

Every person who exposes for show, hire, or sale (except in a market or market place or fair lawfully appointed for that purpose) any horse or other animal, or exhibits in a caravan or otherwise any show or public entertainment, or shoes, bleeds

- or carries any horse or animal (except in cases of accident), or cleans, dresses, exercises, trains or breaks, or turns loose any horse or animal, or makes or repairs any part of any cart or carriage (except in cases of accident where repair on the spot is necessary) :
- Every person who suffers to be at large any unmuzzled ferocious dog, or sets on or urges any dog or other animal to attack, worry, or put in fear any person or animal :
- Every owner of any dog who suffers such dog to go at large, knowing or having reasonable ground for believing it to be in a rabid state, or to have been bitten by any dog or other animal in a rabid state :
- Every person, who after public notice given by any Justice directing dogs to be confined on account of suspicion of canine madness, suffers any dog to be at large during the time specified in such notice :
- Every person who slaughters or dresses any cattle, or any part thereof, except in the case of any cattle over-driven which may have met with any accident, and which for the public safety or other reasonable cause ought to be killed on the spot :
- Every person having the care of any waggon, cart, or carriage who rides on the shafts thereof, or who without having reins, and holding the same, rides upon such waggon, cart, or carriage, or on any animal drawing the same, or who is at such a distance from such waggon, cart or carriage as not to have due controul over every animal drawing the same, or who does not, in meeting any other carriage, keep his waggon, cart, or carriage to the left or near side, or who in passing any other carriage does not keep his waggon, cart, or carriage on the right or off side of the road (except in cases of actual necessity, or some sufficient reason for deviation), or who, by obstructing the street, wilfully prevents any person or carriage from passing him, or any waggon, cart, or carriage under his care :
- Every person who at one time drives more than two carts or waggons, and every person driving two carts or waggons who has not the halter of the horse in the last cart or waggon securely fastened to the back of the first cart or waggon, or has such halter of a greater length from such fastening to the horse's head than four feet :
- Every person who rides or drives furiously any horse or carriage, or drives furiously any cattle :
- Every person who causes any public carriage, sledge, truck, or barrow, with or without horses, or any beast of burden, to stand longer than is necessary for loading or unloading goods, or for taking up or setting down passengers (except hackney carriages, and horses and other beasts of draught or burden, standing for hire in any place appointed for that purpose by the Commissioners or other lawful authority), and every person who, by means of any cart, carriage, sledge, truck, or barrow, or any animal, or other means, wilfully interrupts any public crossing, or wilfully causes any obstruction in any public footpath or other public thoroughfare :
- Every person who causes any tree or timber or iron beam to be drawn in or upon any carriage, without having sufficient means of safely guiding the same :
- Every person who leads or rides any horse or other animal, or draws or drives any cart or carriage, sledge, truck, or barrow upon any footway of any street, or fastens any horse or other animal so that it stands across or upon any footway :
- Every person who places or leaves any furniture, goods, wares, or merchandise, or any cask, tub, basket, pail, or bucket, or places or uses any standing-place, stool, bench, stall, or showboard on any footway, or who places any blind, shade, covering, awning, or other projection over or along any such footway, unless such blind, shade, covering, awning, or other projection is eight feet in height at least in every part thereof from the ground :
- Every person who places, hangs up, or otherwise exposes to sale, any goods, wares, merchandise, matter, or thing whatsoever, so that the same project into or over any footway, or beyond the line of any house, shop, or building at which the same are so exposed, so as to obstruct or incommode the passage of any person over or along such footway :
- Every person who rolls or carries any cask, tub, hoop, or wheel, or any ladder, plank, pole, timber, or log of wood, upon any footway, except for the purpose of loading or unloading any cart or carriage, or of crossing the footway :
- Every person who places any line, cord, or pole across any street, or hangs or places any clothes thereon :
- Every common prostitute or nightwalker loitering and importuning passengers for the purpose of prostitution :
- Every person who wilfully and indecently exposes his person :
- Every person who publicly offers for sale or distribution, or exhibits to public view, any profane, indecent, or obscene book, paper, print, drawing, painting, or representation, or sings any profane or obscene song or ballad, or uses any profane or obscene language.
- Every person who wantonly discharges any firearm, or throws or discharges any stone or other missile, or makes any bonfire, or throws or sets fire to any firework :
- Every person who wilfully and wantonly disturbs any inhabitant, by pulling or ringing any door bell, or knocking at any door, or who wilfully and unlawfully extinguishes the light of any lamp :
- Every person who flies any kite, or who makes or uses any slide upon ice or snow :
- Every person who cleanses, hoops, fires, washes, or scalds any cask or tub, or hews, saws, bores, or cuts any timber or stone, or slacks, sifts, or screens any lime :
- Every person who throws or lays down any stones, coals, slate, shells, lime, bricks, timber, iron, or other materials (except building materials so inclosed as to prevent mischief to passengers) :
- Every person who beats or shakes any carpet, rug, or mat (except doormats, beaten or shaken before the hour of eight in the morning) :
- Every person who fixes or places any flower-pot, or box, or other heavy article, in any upper window, without sufficiently guarding the same against being blown down :
- Every person who throws from the roof or any part of any house or other building any slate, brick, wood, rubbish, or other thing, except snow thrown so as not to fall on any passenger :
- Every occupier of any house or other building or other person who orders or permits any person in his service to stand on the sill of any window, in order to clean, paint, or perform any other operation upon the outside of such window, or upon any house or other building within the said limits, unless such window be in the sunk or basement story :
- Every person who leaves open any vault or cellar, or the entrance from any street to any cellar or room underground, without a sufficient fence or handrail, or leaves defective the door, window, or other covering of any vault or cellar, or who does not sufficiently fence any area, pit or sewer left open, or who leaves such open area, pit, or sewer without a sufficient light after sunset to warn and prevent persons from falling thereinto :

Every person who throws or lays any dirt, litter, or ashes, or nightsoil, or any carrion, fish, offal, or rubbish, on any street, or causes any offensive matter to run from any manufactory, brewery, slaughter-house, butcher's shop, or dunghill into any street: Provided always, that it shall not be deemed an offence to lay sand or other materials in any street in time of frost, to prevent accidents, or litter or other suitable materials to prevent the freezing of water in pipes, or in case of sickness to prevent noise, if the party laying any such things causes them to be removed as soon as the occasion for them ceases:

Every person who keeps any pigstye to the front of any street, not being shut out from such street by a sufficient wall or fence, or who keeps any swine in or near any street, so as to be a common nuisance:

XXIX. Every person drunk in any street, and guilty of any riotous or indecent behaviour therein, and also every person guilty of any violent or indecent behaviour in any police office or any police station house within the limits of the special Act, shall be liable to a penalty not exceeding 40s. for every such offence, or, in the discretion of the Justice before whom he is convicted, to imprisonment for a period not exceeding seven days.

And with respect to fires, it is enacted as follows:—

XXX. Every person who wilfully sets or causes to be set on fire any chimney within the limits of the special Act shall be liable to a penalty not exceeding 5l.: Provided always, that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be indicted for felony.

XXXI. If any chimney accidentally catch or be on fire within the said limits the person occupying or using the premises in which such chimney is situated shall be liable to a penalty not exceeding 10s.: Provided always, that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justice before whom the case is heard that such fire was in nowise owing to omission, neglect, or carelessness of himself or servant.

XXXII. The Commissioners may purchase or provide such engines for extinguishing fire, and such water buckets, pipes, and other appurtenances for such engines, and such fire escapes and other implements for safety or use in case of fire, and may purchase, keep, or hire such horses for drawing such engines as they may think fit, and may build, provide, or hire places for keeping such engines with their appurtenances, and may employ a proper number of persons to act as firemen, and may make such rules for their regulation as they think proper, and give such firemen and other persons such salaries and such rewards for their exertions in cases of fire, as they think fit.

XXXIII. The Commissioners may send such engines, with their appurtenances, and the said firemen, beyond the limits of the special Act, for extinguishing fire in the neighbourhood of the said limits; and the owner of the lands or buildings where such fire shall have happened shall in such case defray the actual expence which may be thereby incurred, and shall also pay to the Commissioners a reasonable charge for the use of such engines with their appurtenances, and for the attendance of such firemen; and in case of any difference between the Commissioners and the owner of the said lands or buildings, the amount of the said expenses and charge, as well as the propriety of sending the said engines and firemen as aforesaid for extinguishing such fire, (if the propriety thereof be disputed,) shall be determined by two Justices, whose decision shall be final; and the amount of the said expenses and charge shall be recovered by the Commissioners as damages.

And with respect to places of public resort, it is enacted as follows:—

XXXIV. Every victualler or keeper of any public house, or person licensed to sell wine, spirits, beer, cider, or other fermented or distilled liquors by retail, to be drank or consumed on the premises, within the limits of the special Act, who knowingly harbours or entertains or suffers to remain in his public house or place wherein he carries on his business any constable during any part of the time appointed for his being on duty, unless for the purpose of quelling any disturbance or restoring order, shall, for every such offence, be liable to a penalty not exceeding 20s.

XXXV. Every person keeping any house, shop, room, or other place of public resort within the limits of the special Act for the sale or consumption of refreshments of any kind who knowingly suffers common prostitutes or reputed thieves to assemble at and continue in his premises shall for every such offence, be liable to a penalty not exceeding 5l.

XXXVI. Every person who within the limits of the special Act keeps or uses or acts in the management of any house, room, pit, or other place for the purpose of fighting, baiting, or worrying any animals shall be liable to a penalty of not more than 5l., or, in the discretion of the Justices before whom he is convicted, to imprisonment, with or without hard labour, for a time not exceeding one month; and the Commissioners may, by order in writing, authorize the superintendent constable, with such constables as he thinks necessary, to enter any premises kept or used for any of the purposes aforesaid, and take into custody all persons found therein without lawful excuse, and every person so found shall be liable to a penalty not exceeding 5s., and a conviction for this offence shall not exempt the owner, keeper, or manager of any such house, room, pit, or place from any penal consequence to which he is liable for the nuisance thereby occasioned.

And with respect to hackney carriages, it is enacted as follows:—

XXXVII. The Commissioners may from time to time license to ply for hire within the prescribed distance, or if no distance is prescribed, within five miles from the General Post Office of the city, town, or place to which the special Act refers, (which in that case shall be deemed the prescribed distance,) such number of hackney coaches or carriages of any kind or description adapted to the carriage of persons as they think fit.

XXXVIII. Every wheeled carriage, whatever may be its form or construction, used in standing or plying for hire in any street within the prescribed distance, and every carriage standing upon any street within the prescribed distance, having thereon any numbered plate required by this or the special Act to be fixed upon a hackney carriage, or having thereon any plate resembling or intended to resemble any such plate as aforesaid, shall be deemed to be a hackney carriage within the meaning of this Act: and in all proceedings at law or otherwise the term "hackney carriage" shall be sufficient to describe any such carriage: Provided

always, that no stage coach used for the purpose of standing or plying for passengers to be carried for hire at separate fares, and duly licensed for that purpose, and having thereon the proper numbered plates required by law to be placed on such stage coaches, shall be deemed to be a hackney carriage within the meaning of this Act.

XXXIX. For every such licence there shall be paid to the clerk of the Commissioners, or other person appointed by them to receive the same, such sum as the Commissioners direct, not exceeding 5s.

XL. Before any such licence is granted a requisition for the same, in such form as the Commissioners from time to time provide for that purpose, shall be made and signed by the proprietor or one of the proprietors of the hackney carriage in respect of which such licence is applied for, and in every such requisition shall be truly stated the name and surname and place of abode of the person applying for such licence, and of every proprietor or part proprietor of such carriage, or person concerned, either solely or in partnership with any other person, in the keeping, employing, or letting to hire of such carriage; and any person who, on applying for such licence, states in such requisition the name of any person who is not a proprietor or part proprietor of such carriage, or who is not concerned as aforesaid in the keeping, employing, or letting to hire of such carriage, and also any person who wilfully omits to specify truly in such requisition as aforesaid the name of any person who is a proprietor or part proprietor of such carriage, or who is concerned as aforesaid in the keeping, employing, or letting to hire of such carriage, shall be liable to a penalty not exceeding 10l.

XLI. In every such licence shall be specified the name and surname and place of abode of every person who is a proprietor or part proprietor of the hackney carriage in respect of which such licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing, or letting to hire of any such carriage, and also the number of such licence which shall correspond with the number to be painted or marked on the plates to be fixed on such carriage, together with such other particulars as the Commissioners think fit.

XLII. Every licence shall be made out by the clerk of the Commissioners, and duly entered in a book to be provided by him for that purpose, and in such book shall be contained columns or places for entries to be made of every offence committed by any proprietor or driver or person attending such carriage, and any person may at any reasonable time inspect such book without fee or reward.

XLIII. Every licence so to be granted shall be under the common seal of the Commissioners, if incorporated, or if not incorporated, shall be signed by two or more of the Commissioners, and shall not include more than one carriage so licensed, and shall be in force for one year only from the day of the date of such licence, or until the next general licensing meeting, in case any general licensing day be appointed by the Commissioners.

XLIV. So often as any person named in any such licence as the proprietor or one of the proprietors, or as being concerned either solely or in partnership with any person in the keeping, employing, or letting to hire of any such carriage, changes his place of abode, he shall, within seven days next after such change, give notice thereof in writing, signed by him, to the Commissioners, specifying in such notice his new place of abode; and he shall at the same time produce such licence at the office of the Commissioners, who shall, by their clerk, or some other officer, indorse thereon and sign a memorandum specifying the particulars of such change; and any person named in any such licence as aforesaid as the proprietor or one of the proprietors of any hackney carriage, or as being concerned as aforesaid, who changes his place of abode, and neglects or wilfully omits to give notice of such change, or to produce such licence in order that such memorandum as aforesaid may be indorsed thereon within the time and in the manner limited and directed by this or the special Act, shall be liable to a penalty not exceeding 40s.

XLV. If the proprietor or part proprietor of any carriage, or any person so concerned as aforesaid, permits the same to be used as a hackney carriage plying for hire within the prescribed distance without having obtained a licence as aforesaid for such carriage, or during the time that such licence is suspended as hereinafter provided, or if any person be found driving, standing, or plying for hire with any carriage within the prescribed distance, for which such licence as aforesaid has not been previously obtained, or without having the number of such carriage corresponding with the number of the licence openly displayed on such carriage, every such person so offending shall for every such offence be liable to a penalty not exceeding 40s.

XLVI. No person shall act as driver of any hackney carriage licensed in pursuance of this or the special Act to ply for hire within the prescribed distance without first obtaining a licence from the Commissioners, which licence shall be registered by the clerk to the Commissioners, and a fee of 1s. shall be paid for the same; and every such licence shall be in force until the same is revoked, except during the time that the same may be suspended as after mentioned.

XLVII. If any person acts as such driver as aforesaid without having obtained such licence or during the time that his licence is suspended, or if he lend or part with his licence, except to the proprietor of the hackney carriage, or if the proprietor of any such hackney carriage employ any person as the driver thereof who has not obtained such licence, or during the time that his licence is suspended, as hereinafter provided, every such driver and every such proprietor shall, for every such offence, respectively be liable to a penalty not exceeding 20s.

XLVIII. In every case in which the proprietor of any such hackney carriage permits or employs any licensed person to act as the driver thereof, such proprietor shall cause to be delivered to him, and shall retain in his possession, the licence of such driver while such driver remains in his employ; and in all cases of complaint, where the proprietor of a hackney carriage is summoned to attend before a Justice, or to produce the driver, the proprietor so summoned shall also produce the licence of such driver, if he be then in his employ; and if any driver complained of be adjudged guilty of the offence alleged against him, such Justice shall make an indorsement upon the licence of such driver, stating the nature of the offence and the amount of the penalty inflicted; and if any such proprietor neglect to have delivered to him and to retain in his possession the licence of any driver while such driver remains in his employ, or if he refuse or neglect to produce such licence as aforesaid, such proprietor shall for every such offence be liable to a penalty not exceeding 40s.

XLIX. When any driver leaves the service of the proprietor by whom he is employed without having been guilty of any misconduct, such proprietor shall forthwith return to such driver the licence belonging to him; but if such driver have been guilty of

any misconduct, the proprietor shall not return his licence, but shall give him notice of the complaint which he intends to prefer against him, and shall forthwith summon such driver to appear before any Justice to answer the said complaint; and such Justice, having the necessary parties before him, shall inquire into and determine the matter of complaint, and if upon inquiry it appear that the licence of such driver has been improperly withheld, such Justice shall direct the immediate re-delivery of such licence, and award such sum of money as he thinks proper to be paid by such proprietor to such driver by way of compensation.

L. The Commissioners may, upon the conviction for the second time of the proprietor or driver of any such hackney carriage for any offence under the provisions of this or the special Act with respect to hackney carriages, or any bye-law made in pursuance thereof, suspend or revoke, as they deem right, the licence of any such proprietor or driver.

LI. No hackney carriage shall be used or employed or let to hire, or shall stand or ply for hire within the prescribed distance, unless the number of persons to be carried by such hackney carriage, in words at length, and in form following, (that is to say,) "To carry Persons," be painted on a plate placed on some conspicuous place on the outside of such carriage, and in legible letters, so as to be clearly distinguishable from the colour of the ground whereon the same are painted, one inch in length, and of a proportionate breadth; and the driver of any such hackney carriage shall not be required to carry in or by such hackney carriage a greater number of persons than the number painted thereon.

LII. If the proprietor of any hackney carriage permit the same to be used, employed, or let to hire, or if any person stand or ply for hire with such carriage, without having the number of persons to be carried thereby painted and exhibited in manner aforesaid, or if the driver of any such hackney carriage refuse, when required by the hirer thereof, to carry in or by such hackney carriage the number of persons painted thereon, or any less number, every proprietor or driver so offending shall be liable to a penalty not exceeding 40s.

LIII. Any driver of a hackney carriage standing at any of the stands for hackney carriages appointed by the Commissioners, or in any street, who refuses or neglects, without reasonable excuse, to drive such carriage to any place within the prescribed distance, or the distance to be appointed by any bye-law of the Commissioners, not exceeding the prescribed distance, to which he is directed to drive by the person hiring or wishing to hire such carriage, shall for every such offence be liable to a penalty not exceeding 40s.

LIV. If the proprietor or driver of any such hackney carriage, or if any other person on his behalf, agree beforehand with any person hiring such hackney carriage to take for any job a sum less than the fare allowed by this or the special Act, or any bye-law made thereunder, such proprietor or driver shall be liable to a penalty not exceeding 40s. if he exact or demand for such job more than the fare so agreed upon.

LV. No agreement whatever made with the driver, or with any person having or pretending to have the care of any such hackney carriage, for the payment of more than the fare allowed by any bye-law made under this or the special Act, shall be binding on the person making the same, and any such person may, notwithstanding such agreement, refuse, on discharging such hackney carriage, to pay any sum beyond the fare allowed as aforesaid, and if any person actually pay to the driver of any such hackney carriage, whether in pursuance of any such agreement or otherwise, any sum exceeding the fare to which such driver was entitled, the person paying the same shall be entitled, on complaint made against such driver before any Justice of the Peace, to recover back the sum paid beyond the proper fare, and moreover such driver shall be liable to a penalty for such exaction not exceeding the sum of 40s., and in default of the repayment by such driver of such excess of fare, or of payment of the said penalty, such Justice shall forthwith commit such driver to prison, there to remain for any time not exceeding one month, unless the said excess of fare and the said penalty be sooner paid.

LVI. If the proprietor or driver of any such hackney carriage, or if any other person on his behalf, agree with any person to carry in or by such hackney carriage persons not exceeding in number the number so painted on such carriage as aforesaid, for a distance to be in the discretion of such proprietor or driver, and for a sum agreed upon, such proprietor or driver shall be liable to a penalty not exceeding 40s. if the distance which he carries such persons be under that to which they were entitled to be carried for the sum so agreed upon according to the fare allowed by this or the special Act, or any bye-law made in pursuance thereof.

LVII. When any hackney carriage is hired and taken to any place, and the driver thereof is required by the hirer there to wait with such hackney carriage, such driver may demand and receive from such hirer his fare for driving to such place, and also a sum equal to the fare of such carriage for the period, as a deposit over and above such fare, during which he is required to wait as aforesaid, or if no fare for time be fixed by the bye-laws, then the sum of 1s. 6d. for every half hour during which he is so required to wait, which deposit shall be accounted for by such driver when such hackney carriage is finally discharged by such hirer; and if any such driver who has received any such deposit as aforesaid refuses to wait as aforesaid, or goes away or permits such hackney carriage to be driven or taken away without the consent of such hirer, before the expiration of the time for which such deposit was made; or if such driver on the final discharge of such hackney carriage refuse duly to account for such deposit, every such driver so offending shall be liable to a penalty not exceeding 40s.

LVIII. Every proprietor or driver of any such hackney carriage who is convicted of taking as a fare a greater sum than is authorized by any bye-law made under this or the special Act shall be liable to a penalty not exceeding 40s., and such penalty may be recovered before one Justice; and in the conviction of such proprietor or driver an order may be included for payment of the sum so overcharged, over and above the penalty and costs; and such overcharge shall be returned to the party aggrieved, whose evidence shall be admissible in proof of the said offence.

LIX. Any proprietor or driver of any such hackney carriage which is hired who permits or suffers any person to be carried in or upon or about such hackney carriage during such hire, without the express consent of the person hiring the same shall be liable to a penalty not exceeding 20s.

LX. No person authorized by the proprietor of any hackney carriage to act as driver of such carriage shall suffer any other person to act as driver of such carriage without the consent of the proprietor thereof, and no person, whether licensed or not, shall act as driver of any such carriage without the consent of the proprietor, and any person so suffering another person to act

as driver, and any person so acting as driver without such consent as aforesaid, shall be liable to a penalty not exceeding 40s. for every such offence.

LXI. If the driver or any other person having or pretending to have the care of any such hackney carriage be intoxicated while driving, or if any such driver or other person by wanton and furious driving, or by any other wilful misconduct, injure or endanger any person in his life, limbs, or property, he shall be liable to a penalty not exceeding 5*l*. and in default of payment thereof the Justice before whom he is convicted of such offence may commit him to prison, there to remain for any time not exceeding two months.

LXII. If the driver of any such hackney carriage leave it in any street or at any place of public resort or entertainment, whether it be hired or not, without some one proper to take care of it, any constable may drive away such hackney carriage and deposit it, and the horse or horses harnessed thereto, at some neighbouring livery stable or other place of safe custody; and such driver shall be liable to a penalty not exceeding 20s. for such offence, and in default of payment of the said penalty upon conviction, and of the expenses of taking and keeping the said hackney carriage and horse or horses, the same, together with the harness belonging thereto, or any of them, shall be sold by order of the Justice before whom such conviction is made, and after deducting from the produce of such sale the amount of the said penalty, and of all costs and expenses, as well of the proceedings before such Justice as of the taking, keeping, and sale of the said hackney carriage, and of the said horse or horses and harness, the surplus (if any) of the said produce shall be paid to the proprietor of such hackney carriage.

LXIII. In every case in which any hurt or damage has been caused to any person or property as aforesaid by the driver of any carriage let to hire, the Justice before whom such driver has been convicted may direct that the proprietor of such carriage shall pay such a sum not exceeding 5*l*. as appears to the Justice a reasonable compensation for such hurt or damage; and every proprietor who pays any such compensation as aforesaid may recover the same from the driver, and such compensation shall be recoverable from such proprietor, and by him from such driver, as damages.

LXIV. Any driver of any hackney carriage who suffers the same to stand for hire across any street or alongside of any other hackney carriage, or who refuses to give way, if he conveniently can, to any other carriage, or who obstructs or hinders the driver of any other carriage in taking up or setting down any person into or from such other carriage, or who wrongfully in a forcible manner prevents or endeavours to prevent the driver of any other hackney carriage from being hired, shall be liable to a penalty not exceeding 20s.

LXV. If the driver of any such hackney carriage be summoned or brought before any Justice to answer any complaint or information touching or concerning any offence alleged to have been committed by such driver against the provisions of this or the special Act, or any bye-law made thereunder, and such complaint or information be afterwards withdrawn or quashed or dismissed, or if such driver be acquitted of the offence charged against him, the said Justice, if he think fit, may order the complainant or informant to pay to the said driver such compensation for his loss of time in attending the said Justice touching or concerning such complaint or information as to the said Justice seems reasonable, and in default of payment of such compensation, the said Justice may commit such complainant or informant to prison for any time not exceeding one month, unless the same shall be sooner paid.

LXVI. If any person refuse to pay on demand to any proprietor or driver of any hackney carriage the fare allowed by this or the special Act, or any bye-law made thereunder, such faremay, together with costs, be recovered before one Justice as a penalty.

LXVII. Any person using any hackney carriage plying under a licence granted by virtue of this or the special Act, who wilfully injures the same, shall for every such offence be liable to a penalty not exceeding 5*l*., and shall also pay to the proprietor of such hackney carriage reasonable satisfaction for the damage sustained by the same; and such satisfaction shall be ascertained by the Justices before whom the conviction takes place, and shall be recovered by the same means as the penalty.

LXVIII. The Commissioners may from time to time (subject to the restrictions of this and the special Act) make bye-laws for all or any of the purposes following; (this is to say,)

For regulating the conduct of the proprietors and drivers of hackney carriages plying within the prescribed distance in their several employments, and determining whether such drivers shall wear any and what badges, and for regulating the hours within which they may exercise their calling:

For regulating the manner in which the number of each carriage, corresponding with the number of its licence, shall be displayed:

For regulating the number of persons to be carried by such hackney carriages, and in what manner such number is to be shewn on such carriage, and what number of horses or other animals is to draw the same, and the placing of check-strings to the carriages, and the holding of the same by the driver, and how such hackney carriages are to be furnished or provided:

For fixing the stands of such hackney carriages and the distance to which they may be compelled to take passengers, not exceeding the prescribed distance:

For fixing the rates or fares, as well for time as distance, to be paid for such hackney carriages within the prescribed distance, and for securing the due publication of such fares:

For securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

And with respect to public bathing, it is enacted as follows:—

LXIX. Where any part of the sea-shore or strand of any river used as a public bathing-place is within the limits of the special Act the Commissioners may make bye-laws for the following purposes; (that is to say,)

For fixing the stands of bathing machines on the sea-shore or strand, and the limits within which persons of each sex shall be set down for bathing, and within which persons shall bathe:
 For preventing any indecent exposure of the persons of the bathers:
 For regulating the manner in which the bathing machines shall be used, and the charges to be made for the same:
 For regulating the distance at which boats and vessels let to hire for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within the prescribed limits.

LXX. And with respect to the rates to be made for carrying the purposes of this and the special Act into execution, it is enacted, That all the clauses of the Towns Improvement Clauses Act, 1847, with respect to the following matters; (that is to say,)

With respect to the manner of making rates authorized by that or the special Act;
 With respect to the appeal to be made against any rate; and
 With respect to the recovery of rates;
 shall be incorporated with this and the special Act.

And with respect to bye-laws it is enacted:—

LXXI. That all the clauses of the Towns Improvement Clauses Act, 1847, with respect to the bye-laws to be made by virtue of that or the special Act shall be incorporated with this and the special Act.

And with respect to the tender of amends it is enacted:—

LXXII. That if any party have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender have been made, the defendant, by leave of the Court where such action is pending, may at any time before issue joined pay into court such sum of money as he thinks fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to Justices, it is enacted as follows:—

LXXIII. The clauses of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and penalties, and to the determination of any other matter referred to Justices shall be incorporated with this and the special Act; and such clauses shall apply to the town or district within the limits of the special Act, and to the Commissioners, and shall be construed as if the word "Commissioners," had been inserted therein instead of the word "Company."

LXXIV. Provided always, That in Ireland, in the case of any penalty imposed by Justices where the application is not otherwise provided for, such Justices may award not more than one-half of such penalty to the informer, and shall award the remainder to the guardians of the poor of the union within which the offence was committed, to be applied in aid of the poor-rates of such union.

LXXV. All things herein or in the special Act, or any Act incorporated herewith, authorized or required to be done by two Justices, may and shall be done by any one magistrate having by law authority to act alone for any purpose with the powers of two or more Justices.

LXXVI. Every person who, upon any examination upon oath, under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

And with respect to affording access to the special Act, it is enacted as follows:—

LXXVII. The Commissioners shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act printed by the printers to Her Majesty, or some of them, and shall also within the space of such six months deposit in the office of the clerk of the peace of the county in which the town or district within the limits of the special Act is situated, a copy of such special Act so printed as aforesaid; and the said clerk of the peace shall receive, and he and the Commissioners respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make copies or extracts therefrom, in the like manner and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act, 7 Will. 4. & 1 Vict. c. 83, intituled "An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

LXXVIII. If the Commissioners fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act they shall forfeit 20*l.* for every such offence, and also 5*l.* for every day afterwards during which such copy is not so kept or deposited.

LXXIX. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XC.—IRELAND.

AN ACT to provide for the Execution of the Laws for Relief of the Poor in *Ireland*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Appointment of Commissioners for the administration of the laws for relief of the poor in Ireland.*
2. *When Commissioners shall enter on their office.*
3. *Seal of the Commissioners.*
4. *Appointment of secretary, clerks, &c.*
5. *Inspectors to be appointed.*
6. *One of the inspectors to be appointed assistant Commissioner.*
7. *Inspectors may attend local boards.*
8. *Salaries.*
9. *Transfer of powers and duties of the Poor Law Commissioners.*
10. *Transfer of property.*
11. *Power to make rules.*
12. *General rules to be approved by the Lord Lieutenant in council.*
13. *Repeal of part of 1 & 2 Vict. c. 56. as to general rules.*
14. *Disallowance of general rules by Lord Lieutenant in council.*
15. *Rules affecting more than one union to be deemed general rules.*
16. *Rules made before appointment of Commissioners under this Act to continue in force.*
17. *Sanction of Commissioners substituted for that of the Poor Law Commissioners in a prescribed form.*
18. *Signature to Acts under seal.*
19. *Power to summon witnesses.*
20. *Penalties for giving false evidence or refusing to give evidence.*
21. *Commissioners to report yearly to Lord Lieutenant, and report to be laid before Parliament.*
22. *Confirmation of proceedings under recited Acts.*
23. *Appointment of Commissioners, &c. limited to five years, &c.*
24. *Interpretation of Act.*
25. *Act may be amended, &c.*

By this Act,

After reciting the passing of 4 & 5 Will. 4. c. 76, 1 & 2 Vict. c. 56, 2 & 3 Vict. c. 1, 4 & 5 Vict. c. 41, and 6 & 7 Vict. c. 92: And that under the provisions of the said Acts the administration of relief to the poor throughout Ireland is subject to the direction and controul of the Poor Law Commissioners, whose commission will expire at the end of the session of Parliament next after the 31st of July in this year: And that it is expedient that the controul of the administration of the laws for the relief of the poor in Ireland should be wholly separated from the controul of the administration of the laws for the relief of the poor in England:—

It is Enacted,

I. That it shall be lawful for Her Majesty from time to time, by warrant under the royal sign manual, to appoint a fit person who with the chief secretary to the Lord Lieutenant of Ireland, and the under secretary to the said Lord Lieutenant, shall have the controul of the administration of the laws for relief of the poor in Ireland; and the person so appointed shall hold his office during the pleasure of Her Majesty; and the said chief secretary and under secretary, and the person so appointed, shall be styled "Commissioners for administering the Laws for the Relief of the Poor in Ireland;" and the person so appointed by Her Majesty shall be styled the Chief Commissioner; and whenever the expression "the Commissioners" shall be used in this Act, without addition, it shall be taken to mean "the said Commissioners for administering the Laws for Relief of the Poor in Ireland."

II. That notice of the appointment of every Chief Commissioner shall be published in the *Dublin Gazette*; and the Commissioners first constituted under this Act shall enter on their office, and all the powers by this Act vested in them shall take effect, on the day after the first publication of such notice in the *Dublin Gazette*.

III. That the Commissioners shall cause a seal to be made for their use, and such seal shall have the same force and effect in Ireland as the seal of the Poor Law Commissioners, and documents sealed or stamped therewith shall be received in evidence in like manner as documents sealed or stamped with the seal of the Poor Law Commissioners are now received in evidence.

IV. That the Commissioners shall from time to time, subject to the approval of the Lord Lieutenant, appoint a secretary, and may, with the like approval, remove any secretary so appointed, and shall also from time to time appoint so many clerks, messengers, and servants as shall be allowed by the Commissioners of Her Majesty's Treasury; and all the persons so appointed, except the secretary, shall hold their several offices during the pleasure of the Commissioners.

V. That the Commissioners shall from time to time, subject to the approval of the Lord Lieutenant, appoint so many fit persons as shall be allowed by the Commissioners of Her Majesty's Treasury to be inspectors, to assist in the execution of this Act and of

the other Acts now in force or which shall hereafter be in force, for the relief of the poor in Ireland, and may from time to time assign to the inspectors so appointed, or any of them, such duties and delegate to them such of the powers of the Commissioners as they may think necessary, and, subject to the like approval of the Lord Lieutenant, may remove all or any of the said inspectors, and appoint others in their stead.

VI. That the Commissioners shall from time to time appoint one of the said inspectors, by the title of assistant Commissioner, to assist in the business of their office and in the execution of this Act in such manner as they shall direct, and may delegate to such assistant Commissioner all the functions, powers, and duties of the chief Commissioner, or such of them as they shall think fit, in the absence of the chief Commissioner from Dublin, or whenever it shall appear to them necessary that such delegation of authority should be made; and thereupon the said assistant Commissioner shall have full authority to act, within the limits of the powers so delegated to him, as if he were the chief Commissioner.

VII. That the said inspectors and each of them shall be entitled to attend every board of guardians and every parochial and other local meeting held for the relief of the poor, and to take part in the proceedings, but not to vote at such board or meeting.

VIII. That the chief Commissioner and secretary, clerks, messengers, and servants, and the assistant Commissioner and inspectors, shall receive such salaries as shall be from time to time appointed by the Commissioners of Her Majesty's Treasury.

IX. That on the day on which the Commissioners shall enter on their office all the powers and duties of the Poor Law Commissioners, or any of them, with respect to the direction or controul of the administration of relief to the poor throughout Ireland, shall be transferred to and vested in the Commissioners, and shall be thenceforth exercised by them, or any two of them, or, except as is hereinafter provided, by the chief Commissioner alone, or in his absence by the assistant Commissioner, and all provisions of the several Acts in any way relating to the administration of relief to the poor in Ireland shall be construed as if therein the Commissioners had been named instead of the Poor Law Commissioners, subject nevertheless to any amendments made by this Act; and during any vacancy among the Commissioners the surviving or continuing Commissioners or Commissioner may continue to act with the same powers and in the same manner respectively as before such vacancy: Provided always, that so much of the said Act, 1 & 2 Vict. c. 56, as would enable the Commissioners to sit in England or Wales for exercising any powers under any of the said Acts, or as would require them to assemble in London once at least in every year, shall be repealed.

X. That the Commissioners and their successors shall be deemed a body corporate, and shall have perpetual succession and a common seal, and for all purposes connected with the administration of the laws for the relief of the poor throughout Ireland shall be deemed the successors of the said Poor Law Commissioners, and all lands, tenements, and hereditaments, and real and personal property, vested in the said Poor Law Commissioners on the day on which the Commissioners shall enter on their office, shall vest in the Commissioners and their successors without any conveyance or transfer thereof other than by the operation of this Act.

XI. And it is declared and enacted, That from and after the day on which the Commissioners shall enter on their office the power vested in the Poor Law Commissioners to make rules, orders, and regulations, and to vary or rescind the same, shall and may be exercised by the Commissioners, who shall make all such rules, orders, and regulations under their seal, except such as are intended only for their own guidance and procedure, or for the guidance or procedure of the said inspectors or any of them, the conduct of the business in their office.

XII. That no general rule made by the Commissioners relating to the administration of the laws for the relief of the poor in Ireland shall have any force unless the same shall be made under the seal of the Commissioners, nor unless the same, before the issue thereof, shall be approved by the Lord Lieutenant; and no rule to vary or rescind a general rule shall be made by the Commissioners unless the same shall be made and approved in like manner.

XIII. That from and after the day on which the Commissioners first appointed under this Act shall enter on their office so much of the said Act, 1 & 2 Vict. c. 56, as relates to the time or manner when or how any such general rule shall operate or take effect or to the disallowance of any such general rule or any part thereof, shall be repealed.

XIV. That if the Lord Lieutenant in council shall at any time disallow any such general rule or any part thereof, the same, so far as it shall have been so disallowed, shall cease to be of any force or validity, subject, however, and without prejudice to all things lawfully done under the same before such disallowance.

XV. That every rule, order, or regulation of the Commissioners which shall be at the time of issuing the same directed to and affect more than one union shall be deemed a general rule; and every rule, order, and regulation made to vary or rescind a general rule, whether or not directed to or affecting more than one union, shall also be deemed a general rule.

XVI. Provided, and it is declared and enacted, That all lawful rules, orders, and regulations of the Poor Law Commissioners, made before the day on which the Commissioners first appointed under this Act shall enter on their office, shall continue in full force and effect until rescinded or varied under the authority of this Act.

XVII. That in every case when the assent or sanction of the Poor Law Commissioners, or any one or more of them, is now required for any matter arising in Ireland, to be given under their hands and seals, or the hand and seal of any one or more of them, the assent or sanction of the Commissioners, from and after the day on which they shall enter on their office, shall be requisite instead thereof, and in every case in which it shall be given shall be given under the seal of the Commissioners, and shall have the like force and effect in Ireland as the assent or sanction of the Poor Law Commissioners before the passing of this Act.

XVIII. That no Act of the Commissioners which is required to be under their seal shall be of any validity unless it shall purport to be signed by at least two of the Commissioners, or by the chief Commissioner, or in his absence by the assistant Commissioner, and in either of the two last cases countersigned by the secretary to the Commissioners.

XIX. And it is declared and enacted, That the Commissioners, or any one of them, and also any such inspector, acting in execution of the Acts now or hereafter to be in force for the relief of the poor in Ireland, by summons under the seal of the Commissioners, or under the separate hand and seal of any Commissioner or inspector respectively, as the case may be, may require the attendance of all such persons as they or he shall think fit to call before them or any of them respectively, upon any matter connected with the execution of this Act, or the administration of the laws for the relief of the poor in Ireland, at such time and place as shall be set forth in the summons, and may make inquiry and require returns, and may administer oaths, and examine all such persons upon oath, and may require and enforce the production upon oath of books, contracts, agreements, accounts, maps, plans, surveys, valuations, and writings, or copies thereof respectively, in anywise relating to any such matter, or when the Commissioners or any one of the Commissioners, or any inspector, shall think fit, instead of requiring such oath as aforesaid, may require any such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined: Provided always, that no person shall be required, in obedience to any such summons, to go more than twenty statute miles from the place of his abode; provided also, that nothing herein contained shall empower the Commissioners, or any Commissioner or inspector, to require the production of the title, or of any papers or deeds relating to the title of any lands, tenements, or hereditaments, not being property vested in the Commissioners by this Act.

XX. And it is declared and enacted, That every person who upon any examination under the authority of this Act shall wilfully give false evidence, or wilfully make or subscribe a false declaration, shall on being convicted thereof suffer the pains and penalties of perjury; and every person who shall refuse or wilfully neglect to attend in obedience to any summons of the Commissioners, or of any one of the Commissioners or any inspector, or to give evidence, or who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, maps, plans, surveys, valuations, or writings, or copies of the same, which may be required to be produced for the purposes of this Act, to any person authorized by this Act to require the production thereof, shall be deemed guilty of a misdemeanour.

XXI. That the Commissioners shall once in each year submit to the Lord Lieutenant a general report of their proceedings; and every such general report shall be laid before both Houses of Parliament within six weeks after the date thereof if Parliament be then sitting, or if Parliament be not then meeting within six weeks after the next meeting of Parliament; and that every such report shall contain a distinct statement of every order and direction issued by such Poor Law Commissioners in respect to out-door relief.

XXII. That, save when varied or repealed by this Act, and subject to the provisions herein contained, all the powers and provisions of the recited Acts, and of all other Acts relating to the relief of the poor in Ireland, and every of them, and everything lawfully done under the same or in pursuance thereof, and all lawful acts and proceedings of the Poor Law Commissioners, and their assistant Commissioners, and any officers acting under them, or in virtue of the said Acts or any of them, or under their authority, or by any other person acting in the administration of the laws for the relief of the poor in Ireland, on or before the day when the Commissioners shall enter on their office, shall be as valid as if this Act had not been passed; and every suit or other proceeding, civil or criminal, begun before the last-mentioned day in the name and under the authority of the Poor Law Commissioners, shall have the same force and effect, if continued in their name, under the sanction of the Commissioners, as if the Poor Law Commissioners had continued to act in execution of the said Acts of Parliament; and nothing herein contained shall in any way take away or interfere with any right of action or of defence to the same, or any liability to be sued or prosecuted for any penalty for or against any person, under the said Acts or any of them, according to the respective provisions thereof, which shall have accrued wholly or in part before the last-mentioned day.

XXIII. Provided and enacted, That no Commissioner constituted under this Act, nor any inspector, secretary, or other officer or person to be appointed and employed by the Commissioners in the business of their office under this Act, shall continue to hold his respective office under this Act, or exercise any of the powers given by this Act, for a longer period than five years next after the day of the passing of this Act, and thenceforth until the end of the then next session of Parliament; and from and after the expiration of the said period of five years and of the then next session of Parliament so much of this Act as enables Her Majesty to appoint any Commissioners shall cease to operate or to have any effect whatever.

XXIV. That this Act shall be construed in the same manner as the said Acts, 2 & 3 Vict. c. 1. and 6 & 7 Vict. c. 92, and as one Act with the same and with the acts and provisions thereby directed to be construed as one Act, unless where otherwise directed by this Act; and that the words "Lord Lieutenant" shall be construed to include Lord Justices or other chief governor or governors of Ireland.

XXV. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XCI.

AN ACT to increase the Number of Trustees for the Herring Fishery, and to direct the Application of the Funds granted for the Promotion of Manufactures and Improvements in *Scotland*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Her Majesty may appoint additional Commissioners for the herring fishery along with those acting under recited Acts of 48 Geo. 3. and 55 Geo. 3.*
2. *Power to Treasury to direct the appropriation of the funds by the trustees.*

3. *Her Majesty may by Order in Council establish rules, &c. for the application by the trustees of the monies so to be appropriated by the Treasury, &c.*
4. *Recited Acts and letters patent to remain in force.*
5. *Act may be amended, &c.*

By this Act,

After reciting the passing of 5 Anne, c. 8, 5 Geo. 1. c. 20, 12 Geo. 1. c. 4, and 13 Geo. 1. c. 26, whereby His Majesty was enabled to nominate any number of persons resident in Scotland, not exceeding the number of twenty-one, to be trustees for overseeing, directing, and better improving the linen and hempen manufactures in Scotland; and 13 Geo. 1. c. 30, by which Acts, or one or other of them, certain sums of money were granted and appropriated to the encouraging and promoting the fisheries and such other manufactures and improvements in Scotland as might most conduce to the general good of the United Kingdom: And that by letters patent, dated the 18th of July, 1727, under the Great Seal appointed by the treaty of Union, to be kept and used in Scotland instead of the Great Seal thereof, issued in pursuance of the powers granted to that effect by the said two last-recited Acts, certain persons were thereby appointed Commissioners and trustees for managing the fisheries and other manufactures and improvements in Scotland, with various powers and authorities; and various rules and regulations were thereby established for the discharge of the office of the said Commissioners and trustees, and for the carrying into execution the purposes of the said Acts: and that another Act, 48 Geo. 3. c. 110, was passed, whereby it was enacted, that it should be lawful to His Majesty and his successors, by letters patent, to nominate and appoint any number of such trustees and Commissioners, not exceeding seven, to be Commissioners specially for overseeing, directing, and better improving the white herring fishery, with power to execute the provisions of the said Act under recital; in pursuance of which Act letters patent, of date the 15th of August, 1808, were issued accordingly: and that another Act, 55 Geo. 3. c. 94, was passed whereby His Majesty was enabled to appoint the Lord Advocate and Solicitor General for Scotland, or either of them, for the time being, to be Commissioners in addition to the number authorized by the said last-recited Act for the herring fishery; and it is expedient that the number of Commissioners for the herring fishery should be farther increased: And that letters patent were thereafter issued by His Majesty King George the Fourth, of date the 16th of January, 1828, whereby the application of the monies granted by the said recited Acts was altered and extended: and that under and in virtue of the said Acts and the said letters patent the sums and funds applicable to improvements in manufacture have been applied towards that purpose, and farther and as conducive to the general good of the United Kingdom to the purposes of education in the fine arts and in decorative and ornamental art, and in improvement of taste and design in manufacture, and otherwise, as has been from time to time set forth in reports made to the Sovereign; and it is expedient that the authority to make such application of such sums and funds should be recognized and extended, and that such application, and also the rules and regulations therefor, and for the conduct and good government of the said trustees, and their official duties and management, should be made by orders of Her Majesty, with the advice of Her Privy Council, instead of letters patent as heretofore;—

It is Enacted,

- I. That it shall be lawful for Her Majesty and her heirs and successors, by letters patent under the seal appointed to be kept and used in Scotland instead of the Great Seal thereof, to nominate and appoint any number of persons, not exceeding six, who may not be Commissioners and trustees for manufactures under the said recited Acts and letters patent, and of whom four shall be resident in the City of Edinburgh or the vicinity thereof, to be additional Commissioners for the herring fishery, along with the Commissioners presently acting under the said recited Acts, 48 Geo. 3. c. 110. and 55 Geo. 3. c. 94., and for all and sundry the purposes of and with all the powers and authorities granted by the said last-recited Act, as if such Commissioners to be named and appointed had been named and appointed under the letters patent issued in virtue of the said last-recited Act.
- II. That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three of them, from time to time by orders under their hands, to direct the appropriation by the said trustees for the encouragement of manufactures of such portion of the said sums and funds applicable to improvements in manufactures, as the said Commissioners of Her Majesty's Treasury shall think fit, towards the purpose of education in the fine arts generally, and in decorative and ornamental art and in taste and design in manufacture, as well as towards the other purposes to which sums and funds have been hitherto applied.
- III. That it shall be lawful for Her Majesty, by and with the advice of her Privy Council, by any Order or Orders in Council to be issued from time to time, to establish rules and regulations for the application by the said trustees to the purposes of education aforesaid, of the sums and funds so to be appropriated by the said Commissioners of Her Majesty's Treasury, and also for the conduct and good government of the said trustees, and the regulation of their official duties and management in that matter, and also from time to time to revoke, alter and amend such rules and regulations; and all such Orders in Council shall, within fourteen days after the same shall be issued, be published in the *Edinburgh Gazette*; and all such orders of the said Commissioners of Her Majesty's Treasury, and also all such Orders in Council, shall, within the like period of fourteen days, be laid upon the table of both Houses of Parliament, if Parliament be then sitting, or if otherwise, within fourteen days of the meeting of the then next session of Parliament.
- IV. That the said recited Acts and the said letters patent shall remain in full force and effect, excepting in so far as altered or affected by this Act, and shall be operative and efficient for carrying all the purposes of this Act into execution according to the true intent and meaning thereof.
- V. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. XCN.

AN ACT for the Protection of Mussel Fisheries in *Scotland*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Persons unlawfully taking mussels from mussel beds deemed guilty of theft.*
2. *Persons unlawfully fishing or trespassing in any mussel fishery deemed guilty of an attempt to commit theft.*
3. *Nothing to prevent persons, lawfully entitled, from fishing for floating fish.*
4. *Nothing to prevent persons from exercising legal rights.*
5. *Act may be amended, &c.*

By this Act,

After reciting that mussel fisheries in Scotland have been the subject of royal grant and of private right; and that it is expedient that certain of the provisions of an Act, 3 & 4 Vict. c. 74, for the better protection of oyster fisheries in Scotland, should be extended and apply to the mussel fisheries of Scotland;—

It is Enacted,

I. That if any person in that part of the United Kingdom called Scotland shall wilfully, knowingly, and wrongfully take and carry away any mussels or mussel-brood from any mussel bed, scalp laying, or fishery, being the property and in the lawful occupation of any other person or persons or body corporate or politic, and sufficiently marked out or known as such, every such offender shall be deemed guilty of theft, and being guilty thereof shall be liable to be sentenced to imprisonment not exceeding the term of one year.

II. That if any person shall unlawfully use any dredge, or any net or instrument or engine whatsoever, or shall trespass within the limits of any mussel bed, scalp laying, or fishery in Scotland, being the property and in the lawful occupation of any other person or persons or body corporate or politic, and sufficiently marked out or known as such, for the purpose of taking mussels or mussel-brood, though none shall be actually taken, or shall, with any net, instrument, or engine, or with the hand or otherwise, drag or fish upon the ground or soil of any such mussel-bed, scalp laying, or fishery, every such person shall be deemed guilty of an attempt to commit theft, and being convicted thereof before the sheriff of the county shall be liable to be punished by fine or imprisonment, or both, as the Court shall award, such fine not to exceed 10*l*. and such imprisonment not to exceed three calendar months.

III. Provided and enacted, That nothing in this Act contained shall prevent any person, lawfully entitled there to fish, from fishing for or catching any floating fish within the limits of any mussel fishery, with any net, instrument, or engine adapted for taking floating fish only.

IV. Provided and enacted, That nothing in this Act contained shall prevent or be construed to prevent any person from exercising any right possessed by such person of taking bait, or any other right which may now be lawfully exercised by such person within the limits of any such fishery.

V. That this Act may be amended or repealed by any Act to be passed during this present session of Parliament.

CAP. XCIII.

AN ACT to continue until the First Day of *October* One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament, an Act for authorizing the Application of Highway Rates to Turnpike Roads.

(22nd July 1847.)

By this Act, 4 & 5 Vict. c. 59. is continued until the 1st of October 1848, and to the end of the then next session of Parliament.

CAP. XCIV.

AN ACT to amend an Act to enable Canal Companies to become Carriers upon their own Canals.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Recited Act incorporated with this Act.*
 2. *Canal companies empowered to borrow money as prescribed by 8 & 9 Vict. cc. 16. and 17, and apply the same to purposes of recited Act.—Saving rights of existing creditors.*
 3. *8 & 9 Vict. cc. 16. and 17. incorporated with this Act.*
 4. *Companies not exempt from provisions of any future general Act.*
 5. *Act may be amended, &c.*
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By this Act,

After reciting the passing of an Act, 8 & 9 Vict. c. 42, whereby, upon the recital that by divers Acts of Parliament railway companies had been empowered to carry upon their own railways all such goods, wares, merchandise, articles, matters, and things as might be offered to them for that purpose, and that greater competition for the public advantage would be obtained if similar powers were granted to canal and navigation companies, it was enacted, that it should be lawful to the proprietors, trustees, or undertakers of any canal, river, or navigation, or their respective committees, directors, or managers, or their superintendents or other agents, to carry as common carriers for their own profit upon their respective canals, rivers, or navigations, and upon any railways or tramways belonging thereto, and upon other canals, rivers, and navigations communicating directly or indirectly therewith, all such goods, wares, merchandise, articles, matters, and things as might be intrusted to them for that purpose, and to purchase, hire, and construct, and to use and employ, any number of boats, barges, vessels, rafts, carts, waggons, carriages, and other conveniences, and to establish and furnish haulage, trackage, or other means of drawing or propelling the same by steam, animal, or other power, or for the purpose of collecting, carrying, conveying, warehousing, and delivering such goods, wares, merchandise, articles, matters, and things: And that the proprietors, trustees, and undertakers of many canals, rivers, and navigations are unable to avail themselves of the provisions of the said recited Act by reason of their having no statutory power of raising money to be applied to the purposes of the same, and it is expedient that the said recited Act should in that respect be amended, and that powers should be granted to such proprietors, trustees, and undertakers to raise money for the said purposes, but that object cannot be effected without the aid of Parliament:—

It is Enacted,

- i. That the said recited Act shall be incorporated with this Act.
 - II. That it shall be lawful to the proprietors, trustees, and undertakers of any canal, river, or navigation who shall have in the manner provided by the said recited Act adopted the powers and provisions of the same to borrow on mortgage or bond in the manner or as nearly as may be in the manner prescribed by the Companies Clauses Consolidation Act, 1845, or the Companies Clauses Consolidation (Scotland) Act, 1845, as the case may be, any sum or sums of money not exceeding in all at any one time one tenth part of the paid-up capital stock of such proprietors, trustees, or undertakers respectively, and to apply the monies so raised to the purposes of the said recited Act, or any of such purposes: Provided always, that the monies so borrowed shall not be applied to any other purposes whatsoever: Provided also, that the monies so to be borrowed, together with any monies otherwise borrowed by any such proprietors, trustees, or undertakers as aforesaid, shall not in all exceed one third part of the paid-up capital of such proprietors, trustees, or undertakers respectively; and that no mortgage or bond to be granted for any monies borrowed in virtue of this Act shall prejudice or affect any security previously granted for any monies borrowed by virtue of any other Act or Acts of Parliament relating to any such canal, river, or navigation.
 - III. And for the purposes of this Act, it is enacted, That such of the clauses and provisions of the Companies Clauses Consolidation Act, 1845, and of the Companies Clauses Consolidation (Scotland) Act, 1845, respectively, as the case may be, as relate to the borrowing of money by companies on mortgage or bond, and to the conversion of borrowed money into capital, shall be incorporated with this Act.
 - IV. That nothing herein contained shall be construed to exempt any canal or navigation company who have adopted or shall adopt the powers of the said recited Act from the operation of any general Act regulating the manner of charging tolls and other charges upon canals or navigations in respect of passengers, goods, animals, articles, and things of a like description that may be passed in the course of this or any future session of Parliament.
 - v. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.
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CAP. XCV.

AN ACT to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Her Majesty may suspend in certain cases the prohibitions against the admission of pirated books into the colonies in certain cases.*
2. *Orders in Council to be published in Gazette.—Orders in Council and the Colonial Acts or Ordinances to be laid before Parliament.*
3. *Act may be amended, &c.*

By this Act,

After reciting that by an Act, 5 & 6 Vict. c. 45, it is amongst other things enacted, that it shall not be lawful for any person not being the proprietor of the copyright, or some person authorized by him, to import into any part of the United Kingdom, or into any other part of the British dominions, for sale or hire, any printed book first composed or written or printed or published in any part of the United Kingdom wherein there shall be copyright, and reprinted in any country or place whatsoever out of the British dominions: And that by an Act, 8 & 9 Vict. c. 93, books wherein the copyright is subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, are absolutely prohibited to be imported into the British possessions abroad: And that by the said last-recited Act it is enacted, that all laws, bye-laws, usages, or customs in practice, or endeavoured or pretended to be in force or practice in any of the British possessions in America, which are in anywise repugnant to the said Act or to any Act of Parliament made or to be made in the United Kingdom, so far as such Act shall relate to and mention the said possessions, are and shall be null and void to all intents and purposes whatsoever:—

It is Enacted,

I. That in case the legislature or proper legislative authorities in any British possession shall be disposed to make due provision for securing or protecting the rights of British authors in such possession, and shall pass an Act or make an ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such possession, it shall be lawful for Her Majesty, if she think fit so to do, to express her royal approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or Ordinance continue in force within such colony the prohibitions contained in the aforesaid Acts, and hereinbefore recited, and any prohibitions contained in the said Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards such colony; and thereupon such Act or Ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council, anything in the said last-recited Act or in any other Act to the contrary notwithstanding.

II. That every such Order in Council shall, within one week after the issuing thereof, be published in the *London Gazette*, and that a copy thereof, and of every such colonial Act or Ordinance so approved as aforesaid by Her Majesty, shall be laid before both Houses of Parliament within six weeks after the issuing of such order, if Parliament be then sitting, or if Parliament be not then sitting, then within six weeks after the opening of the next session of Parliament.

III. This Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. XCVI.

AN ACT for better securing Trust Funds, and for the Relief of Trustees.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Trustees may pay trust monies or transfer stocks and securities into the Court of Chancery.—Receipt of bank cashier, or certificate of proper officer, to be sufficient discharge.*
2. *Court of Chancery to make orders on petition, without bill, for application of trust monies and administration of trust.*
3. *Regulating salary of Accountant General.*
4. *Lord Chancellor, with Master of the Rolls, &c. may make General Orders.*
5. *Construction of expression "Lord Chancellor."*
6. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient to provide means for better securing trust funds, and for relieving trustees from the responsibility of administering trust funds in cases where they are desirous of being so relieved :—

It is Enacted,

I. That all trustees, executors, administrators, or other persons, having in their hands any monies belonging to any trust whatsoever, or the major part of them, shall be at liberty, on filing an affidavit shortly describing the instrument creating the trust, according to the best of their knowledge and belief, to pay the same, with the privity of the Accountant General of the High Court of Chancery, into the Bank of England, to the account of such Accountant General in the matter of the particular trust (describing the same by the names of the parties, as accurately as may be, for the purpose of distinguishing it), in trust to attend the orders of the said Court; and that all trustees or other persons having any annuities or stocks standing in their name in the books of the Governor and Company of the Bank of England or of the East India Company, or South Sea Company, or any government or parliamentary securities standing in their names, or in the names of any deceased persons of whom they shall be personal representatives, upon any trusts whatsoever, or the major part of them, shall be at liberty to transfer or deposit such stocks or securities into or in the name of the said Accountant General, with his privity, in the matter of the particular trust (describing the same as aforesaid), in trust to attend the orders of the said Court; and in every such case the receipt of one of the cashiers of the said Bank for the money so paid, or, in the case of stocks or securities, the certificate of the proper officer, of the transfer or deposit of such stocks or securities, shall be a sufficient discharge to such trustees or other persons for the money so paid, or the stocks or securities so transferred or deposited.

II. That such orders as shall seem fit shall be from time to time made by the High Court of Chancery in respect of the trust monies, stocks, or securities so paid in, transferred, and deposited as aforesaid, and for the investment and payment of any such monies, or of any dividends or interest on any such stocks or securities, and for the transfer and delivery out of any such stocks and securities, and for the administration of any such trusts generally, upon a petition to be presented in a summary way to the Lord Chancellor or the Master of the Rolls, without bill, by such party or parties, as to the Court shall appear to be competent and necessary in that behalf, and service of such petition shall be made upon such person or persons as the Court shall see fit and direct; and every order made upon any such petition shall have the same authority and effect, and shall be enforced and subject to rehearing and appeal, in the same manner as if the same had been made in a suit regularly instituted in the Court; and if it shall appear that any such trust funds cannot be safely distributed without the institution of one or more suit or suits, the Lord Chancellor or Master of the Rolls may direct any such suit or suits to be instituted.

III. Provided and enacted, That the additional remuneration which the said Accountant General may receive in consequence of the operation of this Act shall not have the effect of giving to him any claim for a larger income by way of salary or otherwise, in the event of the said office of Accountant General being hereafter regulated by competent authority, than would have been assigned to him if this Act had not been passed.

IV. That the Lord Chancellor, with the assistance of the Master of the Rolls or of one of the Vice Chancellors, shall have power and is hereby authorized to make such orders as from time to time shall seem necessary for better carrying the provisions of this Act into effect.

V. That in the construction of this Act the expression "the Lord Chancellor" shall mean and include the Lord Chancellor, Lord Keeper, and Lords Commissioners for the custody of the Great Seal of Great Britain for the time being.

VI. That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

CAP. XCVII.

AN ACT for the Discontinuance of the Attendance of the Masters in Ordinary of the High Court of Chancery in the Public Office, and for transferring the Business of such Public Office to the Affidavit Office in Chancery.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Attendance of Masters in Ordinary discontinued.*
2. *Lord Chancellor may appoint a second assistant clerk of affidavits.*
3. *Lord Chancellor may order remuneration to be paid to the clerk and assistant of affidavits.*
4. *Appointment of second assistant clerk of affidavits.—Saving rights of W. T. Smith.*
5. *Lord Chancellor may also, with consent of Treasury, order retiring annuities to disabled officers, not exceeding two thirds of their salaries.*
6. *Commencement of Act.*
7. *Out of what fund compensations awarded under provisions of 10 & 11 Vict. c. 60. to be paid.*
8. *Lord Keeper may act for Lord Chancellor for purposes of this Act.*
9. *Act may be amended, &c.*

By this Act,

After reciting that by an Act, 13 Car. 2, it was amongst other things enacted, that from and after the 23rd of October 1661, there should be one public office kept as near the Rolls as conveniently might be, in which the Masters in Ordinary, or one of them, should constantly attend for the administration of oaths and other purposes therein mentioned: And that it is expedient that the said Masters should no longer attend in person at the said public office, and that the duties required by the said recited Act should be otherwise provided for:—

It is Enacted,

I. That the said Act shall be and the same is hereby repealed, and that the attendance of the said Masters at the public office be discontinued from and after the time at which this Act shall come into operation.

II. That it shall be lawful for the Lord Chancellor to appoint one fit and proper person to assist in the performance of the duties of the clerk of affidavits and of the assistant clerk of affidavits, and of the other duties hereby transferred to them, to be called the second assistant clerk of affidavits, and that the duties by the said recited Act directed to be done and performed by the Masters in Ordinary in the public office shall hereafter be done and performed by the said clerk of affidavits and the assistant clerk of affidavits, in such place and in such manner and subject to such regulations as the Lord Chancellor shall from time to time order and direct, and they and each of them are hereby authorized to do and perform the same.

III. That there shall be paid to the said clerk of affidavits and the said assistant clerks of affidavits such remuneration, either in salary and fees, or partly by salary and partly by fees, as the Lord Chancellor shall think fit, not exceeding in the whole 1,200*l.* to the clerk of affidavits, 800*l.* to the first, and 400*l.* to the second assistant clerk of affidavits; and that it shall be lawful for the Lord Chancellor to make such order and orders as may be necessary for payment of so much of such remuneration as shall consist of salary out of the fund intituled "The Sutors Fee Fund Amount," and for the payment of any part of the fees to be received to the account of the said fund.

IV. That William Thodey Smith, the present clerk of the said public office, be and he is hereby appointed the second assistant clerk of affidavits under this Act, and that the salary or remuneration he shall receive under the provisions of this Act shall be and the same is hereby declared to be in lieu of and as compensation for the loss sustained by him in respect of the fees hitherto received by him as clerk of the said public office: Provided always, and it is hereby declared, that this Act shall not take away, diminish, or in any way prejudice the rights and interest of William Thodey Smith to and in the compensation granted, awarded, and ordered to be paid to him under and by virtue of the three several Acts of Parliament hereinafter mentioned, that is to say, an Act, 1 & 2 Will. 4. c. 56, intituled 'An Act to establish a Court in Bankruptcy;' an Act, 5 & 6 Vict. c. 103, intituled 'An Act for abolishing certain Offices of the High Court of Chancery in England,' and an Act, 6 & 7 Vict. c. 73, intituled 'An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in England and Wales;' and that the rights and interests of the said William Thodey Smith under each of the said Acts respectively shall be and continue the same to all intents and purposes as if this Act had not been passed, and as if he had continued to hold his office of clerk of the public office, but nevertheless only for such period as he shall hold the office of second clerk of affidavits under this Act.

V. That it shall be lawful for the Lord Chancellor, with the consent of the Commissioners of Her Majesty's Treasury, by any order made on a petition presented to him for that purpose after the 10th of August next after the passing of this Act, to order (if he shall think fit) to be paid to any person executing the office of clerk of affidavits, assistant clerk of affidavits, or second assistant clerk of affidavits, or of chief clerk or junior or copying clerk to the Master in Ordinary of the Court of Chancery, who shall be afflicted with some permanent infirmity, disabling him from the due execution of his office, and shall be desirous of resigning the same, an annuity not exceeding two third parts of the yearly salary which such person shall be entitled to at the time of presenting such petition, to be paid out of the interest and dividends of the government or parliamentary securities which may be at any time standing in the name of the Accountant General of the High Court of Chancery to an account intituled "Account of Monies placed out for the Benefit and better Security of the Sutors of the High Court of Chancery," and an account intituled "Account of Securities purchased with surplus Interest arising from Securities carried to an Account of Monies placed out for the Benefit and better Security of the Sutors of the High Court of Chancery," or either of them; and the annuity mentioned in such order shall be paid by the Governor and Company of the Bank of England out of the interest and dividends aforesaid (but subject and without prejudice to the payment of all salaries and other sums of money by any Act of Parliament already directed or authorized to be paid thereout) by even and equal payments on the 5th of January, the 5th of April, the 5th of July, and the 10th of October in every year during the life of such person; and the executors and administrators of such person shall be entitled to receive and shall be paid such proportionate part of the said annuity as shall have accrued from the next preceding quarterly day of payment to the day of his death.

VI. That this Act shall commence and take effect from the 10th of August next.

And after reciting that by an Act, 10 & 11 Vict. c. 60, intituled 'An Act to abolish one of the Offices of Master in Ordinary of the High Court of Chancery,' it was enacted that it should be lawful for the Lord Chancellor, with the consent of the Commissioners of Her Majesty's Treasury, to award such compensation (if any), and in such manner and upon such conditions as he might think fit, to George Barrett and Edward Wright, the late chief and second clerks of Andrew Henry Lynch, or either of them, in consideration of the loss they or he may have sustained by reason of the abolition of the said office by the said Act: And that no provision was made in the said Act for the payment of such compensation:—

It is Enacted,

VII. That such compensation shall be paid by the Accountant General, by virtue of an order for that purpose to be made by he said Lord Chancellor, out of the fund intituled "The Sutors Fee Fund Account."

VIII. That in construing this Act all things directed to be done by the Lord Chancellor shall and may be done by a Lord Keeper or the first Commissioner for the custody of the Great Seal of the United Kingdom of Great Britain and Ireland.

IX. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

CAP. XCVIII.

AN ACT to amend the Law as to Ecclesiastical Jurisdiction in *England*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Bishop to exercise jurisdiction throughout his diocese, save in causes testamentary.*
2. *Officers of diocesan courts to account for all fees, &c. received by them.*
3. *Jurisdiction in causes testamentary to continue unaltered by change of province, &c.*
4. *Law of bona notabilia to continue unaltered by change of province, &c.*
5. *Certain authorities may continue to grant marriage licences as heretofore.—Jurisdiction of bishops to grant licences not to be interfered with.*
6. *Temporary provisions of 6 & 7 Will. 4. c. 77, continued by 7 & 8 Vict. c. 68, to cease on 2nd Nov. 1847.*
7. *Commencement and continuance of Act.*
8. *Confirming certain acts of jurisdiction.*
9. *Officers appointed under this Act to be subject to regulations hereafter made by Parliament.*
10. *Act may be amended, &c.*

By this Act,

After reciting that much inconvenience ensues from the continued suspension of the jurisdiction of the several diocesan courts in England within those parts of the dioceses which have been added thereunto under the authority of an Act, 6 & 7 Will. 4. c. 77, and that it is expedient that some remedy be thereunto applied;—

It is Enacted,

- I. That the bishop of every diocese in England shall by himself or his officers exercise throughout the whole of his diocese as it now is or hereafter may be limited or constituted, save only in causes and matters testamentary or relating to the administration of the personal estate of intestates, the same jurisdiction and authority which before the passing of this Act he or any bishop lawfully could or might exercise by himself or his officers within any part of such diocese.
- II. That the officers of the several diocesan and other courts shall keep an account in writing of the gross and net amount of all fees, allowances, gratuities, perquisites, and emoluments received by them respectively on account of their several offices or employments in respect of any causes or matters arising within the diocese which during the continuance of the temporary provisions of the first-recited Act were not within the jurisdiction of the bishop of the diocese or other ecclesiastical authority, and shall from time to time, once at least in every quarter of a year, and, on demand, at any other time, pay over the net amount thereof to the treasurer of the governors of the bounty of Queen Anne, to be by him carried to a separate account, and retained until Parliament shall provide for the appropriation thereof; and in case any person required to pay over any money under this Act shall die or resign or be dismissed from his office while any such money remains unpaid by him, the executors or administrators of the person so dying, or the person himself so resigning or dismissed, shall be required to pay the balance of the money so remaining due and unpaid.
- III. That the jurisdiction of every ecclesiastical court in England in causes and matters testamentary or relating to the administration of the personal estate of intestates shall continue unaltered by any change of province, diocese, archdeaconry, or other jurisdiction whatever within the same limits and in like manner as was by law allowed before the passing of the hereinbefore recited Act.
- IV. That the law of *bona notabilia* shall be continued unaltered by any change of province, diocese, archdeaconry, or other jurisdiction whatsoever under the authority of the first-recited Act as it was before the passing of the hereinbefore recited Act.
- V. That all authorities, save and except the authority of the bishop of whose diocese any portion has been or may hereafter be taken away and added to another diocese under the provisions of the hereinbefore recited Act, shall continue to grant marriage licences in the same manner and within the same district as they might have done before the passing of the said Act: Provided always, that nothing herein contained shall be construed to interfere with the jurisdiction or concurrent jurisdiction, as the case may be, of the bishops of the several dioceses in England to grant marriage licences in and throughout the whole of their dioceses, as such are now or hereafter may be limited or constituted.
- VI. That the temporary provisions of the hereinbefore recited Act, 6 & 7 Will. 4. c. 77, which by an Act, 7 & 8 Vict. c. 68, intituled 'An Act to suspend, until the Thirty-first Day of December One thousand eight hundred and forty-seven, the

Operation of the new Arrangement of Dioceses, so far as it affects the existing Ecclesiastical Jurisdictions, and for obtaining Returns from and the Inspection of the Registries of Jurisdictions, now stand continued until the 31st of December next, shall continue in force until the 2nd of November in this year, and shall then cease to be in force.

VII. That so much of this Act as is hereinbefore contained shall commence and come into force on the 1st of November in this year 1847, and shall continue until the 1st of August in the year 1848, and, if Parliament be then sitting, until the end of the then session of Parliament.

VIII. That where under the provisions of the first-recited Act any parish or place shall have been brought within any diocese to which it did not belong before the passing of the first-recited Act, and any act of jurisdiction or authority shall have been exercised as to such parish or place since the passing of the first-recited Act, and before the 1st of November in this year, by the bishop or any officer of the bishop of the diocese or any archdeacon of the diocese to which such parish or place belonged, either before or since the passing of the first-recited Act, which does not conflict with any similar act of jurisdiction or authority previously and since the passing of the first-recited Act exercised as to such parish or place by any other bishop or officer of any other bishop or archdeacon having or claiming to have jurisdiction as to such parish or place, the same shall be deemed as good and valid as if such parish or place had then been wholly and undoubtedly within the diocese and jurisdiction of the bishop by whom, or by any officer of whom, such act of jurisdiction or authority shall have been exercised.

IX. That every person who shall have been appointed after the passing of the first-recited Act, except as therein excepted, or who shall be appointed after the passing of this Act, to the office of judge, registrar, or other officer of any ecclesiastical court in England, shall hold the same subject to all regulations and alterations affecting the same which may hereafter be made by authority of Parliament; nor shall any person by his appointment to any such office acquire any claim or title to compensation in case the same be hereafter altered or abolished by Act of Parliament.

X. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. XCIX.—IRELAND.

AN ACT to authorize a further Advance of Money for the Relief of destitute Persons in *Ireland*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Treasury may cause a temporary advance to be made to Relief Commissioners acting in execution of recited Act.*
2. *Provisions of first-recited Act extended to this Act.*

By this Act,

After reciting the passing of an Act, 10 & 11 Vict. c. 7, and that it is necessary to authorize a further advance of money for the relief of the destitute poor in Ireland, in addition to the sums advanced by virtue of the said Act, and of another Act to authorize a further advance of money, also passed in the present session of Parliament:—

It is Enacted,

1. That it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them, to cause to be issued, as a temporary advance, from time to time, at any time before the 1st of October in this year, as they may find necessary, out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any sum or sums of money not exceeding 300,000*l.*, by way of imprest, to the Relief Commissioners acting in execution of the said recited Act, to be by them applied for the purposes specified in the said Act, by way of loan on the security of the rates made or to be made in pursuance thereof, or of an Act, 1 & 2 Vict. c. 56, intituled 'An Act for the more effectual Relief of the destitute Poor in Ireland'; and all such sums of money shall be repaid to the said Consolidated Fund by the said Relief Commissioners, in such manner as the Commissioners of Her Majesty's Treasury may direct, from and out of the rates to be levied in the union on behalf of which such loan shall have been made.

11. That all the clauses, provisions, matters, and things contained in the said first-recited Act shall be applied and extended to this Act, and to the sum hereby authorized to be advanced, in such and the like manner as if the said clauses, provisions, matters, and things had been repeated and re-enacted in this Act.

CAP. C.—IRELAND.

AN ACT to regulate the Superannuation Allowances of the Constabulary Force in *Ireland* and the *Dublin Metropolitan Police*.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of recited Act as relates to deductions from pay, formation of superannuation fund, and conditions of allowances, repealed, save as herein set forth.*
2. *Regulations for establishing a constabulary superannuation fund.*
3. *Lord Lieutenant empowered to superannuate constables according to scale of superannuation herein mentioned.*
4. *Power to Treasury upon the recommendation of Lord Lieutenant, &c., to grant superannuation allowances to officers.*
5. *Allowances or pensions may be granted in case of being disabled, &c., in the service.*
6. *Allowances may be granted in certain other cases.*
7. *Surplus of reward fund to be applied for payment of pensions.—Deficiency of funds for payment of such pensions to be charged on Consolidated Fund.*
8. *The number and salaries of the clerks in the Inspector General's Office to be fixed by the Treasury.*
9. *Repeal of recited provisions as to pensions and superannuations of Dublin Metropolitan Police.*
10. *Treasury may grant superannuation allowances to Justices and officers of Dublin Police (other than constables) heretofore appointed.—Lord Lieutenant may grant superannuation allowances to constables of Dublin Police heretofore appointed or hereafter to be appointed.*
11. *Act may be amended, &c.*

By this Act,

After reciting the passing of an Act, 6 & 7 Will. 4. c. 13, and that it is expedient that certain of the provisions of the same, as hereinafter mentioned, should be repealed, and that other provisions should be made relating thereto:—

It is Enacted,

I. That so much of the said recited Act as provides for a deduction to be made from the pay and salary of the several persons appointed under the said Act, and for the formation of the Police Superannuation Fund therein mentioned, or any deficiency of the same, and so much of the said recited Act as empowers the Lord Lieutenant or other chief governor or governors of Ireland to superannuate any magistrate, superintendent, inspector general, deputy inspector, county inspector, sub-inspector, chief or other constable, or sub-constable, or as relates to any yearly allowance, remuneration, superannuation, or gratuity to be received by any person so superannuated, and so much of the said recited Act as relates to the conditions or proportions of any such allowance, remuneration, or superannuation, or any allowance in case of wounds, shall from and after the passing of this Act be and the same is hereby repealed, save and except as to the mode of calculating periods of service, and save and except as to any allowance, remuneration, superannuation, or gratuity heretofore granted, or ordered, or any act, matter, or thing heretofore done, under any of the provisions aforesaid; every which act, matter, or thing shall be and remain valid and effectual to all intents and purposes as if this Act had not passed.

II. That from and after the passing of this Act there shall be deducted from the pay and salary of the several magistrates heretofore appointed, and of the inspector general, deputy inspector general, assistant inspector general, the several county inspectors, sub-inspectors, officers, head constables, constables, or sub-constables, heretofore appointed or hereafter to be appointed under the recited Act or any Act amending the same, except the receiver and paymasters, the sum of 2l. per cent. per annum, and so rateably, from any pay or salary of whatever amount; and the sums so deducted shall be applied from time to time as occasion may require for the payment of such superannuation or retiring allowances or gratuities as may be or may have been at any time from the passing of the said first-recited Act ordered or appointed from time to time by the Lord Lieutenant or other chief governor or governors of Ireland, or by the Commissioners of Her Majesty's Treasury, under the powers given to him or them respectively under the said first-recited Act, or any Act amending the same, or this Act; and in case the sums so deducted shall amount to a larger sum than may be required to pay the amount at any time due or payable on such superannuations, pensions, and gratuities, the excess shall be paid into the Consolidated Fund of the United Kingdom of Great Britain and Ireland, at such time and in such manner as the Commissioners of Her Majesty's Treasury may direct.

III. That it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland, in his or their discretion, upon the petition of any such head or other constable or sub-constable as aforesaid, to order and direct that any such head or other constable or sub-constable shall and may be superannuated, and shall and may receive such yearly allowance, superannuation, pension, or gratuity out of such police superannuation fund, not exceeding the proportion of their respective pay or salary stated in the scale hereinafter mentioned: Provided nevertheless, that in each such case, unless the age of the respective party shall exceed sixty years, such person or persons as may be from time to time appointed by the said Lord Lieutenant or other chief governor or governors for the medical inspection of the persons belonging to the constabulary force shall certify that such party is unable, from mental or bodily infirmity, to perform his duty, and provided that in each and every case the inspector of the county or other superior officer shall also certify that such party has served with diligence and fidelity; and which said scale of yearly allowance or superannuation shall be as follows; (that is to say,) for any head or other constable or sub-constable heretofore appointed after fifteen years' service and under twenty years' service any yearly sum not exceeding 100

thirds of the salary of such party, and after twenty years' service any yearly sum not exceeding the whole of such pay or salary; and for any head or other constable or sub-constable hereafter to be appointed after fifteen years' service and under twenty years' service any sum not exceeding one half of the salary of such party, after twenty years' service and under twenty-five years' service any sum not exceeding two thirds of the salary of such party, after twenty-five years' service and under thirty years' service any sum not exceeding three fourths of the salary of such party, and after thirty years' service any sum not exceeding the whole salary of such party.

iv. That it shall be lawful for the Commissioners of Her Majesty's Treasury or any three or more of them, upon the recommendation of the Lord Lieutenant or other chief governor or governors of Ireland, supported by a certificate from the inspector general, or in the case of the inspector general's superannuation, then on the certificate of the chief secretary of the Lord Lieutenant, that the respective party, as hereinafter mentioned, had served with diligence and fidelity, to order and direct that any magistrate heretofore appointed, or any inspector general, deputy inspector general, assistant inspector general, county inspector or sub-inspector of the constabulary force, heretofore appointed or hereafter to be appointed, shall and may be superannuated, and shall and may receive such yearly allowance, superannuation, pension, or gratuity as on consideration of all the circumstances of each case they shall think just and fitting, not exceeding in the case of any such magistrate, inspector general, deputy inspector general, assistant inspector general, county inspector, or sub-inspector respectively heretofore appointed to such offices or any other offices in the constabulary force, such proportion of their respective pay or salary as hereinafter mentioned; (that is to say,) for above fifteen years' service and less than twenty years' service an annual sum not exceeding two thirds of the salary of such party; for above twenty years' service an annual sum not exceeding the whole of the salary of such party; but in the case of any such inspector general, deputy inspector general, assistant inspector general, county inspector, or sub-inspector hereafter to be appointed, such yearly allowance, superannuation, pension, or gratuity shall not exceed such proportion of their respective pay or salary as hereinafter mentioned; (that is to say,) for above fifteen years' service and under twenty years' service an annual sum not exceeding one half of the salary of such party, for above twenty years' service and under thirty years' service an annual sum not exceeding two thirds of such salary, for above thirty years' service and under forty years' service an annual sum not exceeding three fourths of such salary, and for above forty years' service an annual sum not exceeding the whole of such salary: Provided also, that in every such case, unless the age of such party shall exceed sixty years, a certificate shall be given by such person or persons as shall be from time to time appointed by the said Lord Lieutenant or other chief governor or governors for the medical inspection of persons belonging to the said constabulary force, that such party so to be superannuated is unable, from mental or bodily infirmity, to perform his duty.

v. That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, on the recommendation of the said Lord Lieutenant or other chief governor or governors, to order that a yearly allowance or pension, not exceeding the whole of the salary of the party, shall be paid to any officer, or head or other constable, or sub-constable, who shall have been disabled from further service by wounds or injuries received in the execution of his duty.

vi. That it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland to order that a gratuity, not exceeding one month's pay for each year's service, shall be paid to any officer, head or other constable, or sub-constable, who shall be duly certified to be unfit for service, and to have served with diligence and fidelity for any number of years not exceeding ten years, and a further gratuity of two months' pay for each year he shall have served exceeding ten years and not exceeding fifteen years.

vii. That it shall and may be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, to direct the application of any surplus which may now remain of the police reward fund of the constabulary force, and any surplus that may hereafter accrue of the said reward fund, to the payment of the pensions, superannuations, or allowances which have been or may hereafter be granted to any officers, or head or other constables, or sub-constables of the said constabulary force, and to charge on the Consolidated Fund of the United Kingdom of Great Britain and Ireland any sum of money which, after applying such surplus as aforesaid, and the sums arising from the deduction to be made as aforesaid from the pay of the constabulary force, shall still be required for the payment of the pensions or superannuations which may at any time be due and payable as aforesaid.

viii. That it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland to direct that such number of clerks shall be employed in the establishment of the office of the inspector general of the said constabulary force, and at such amount of salary respectively, as shall from time to time be determined by the Commissioners of Her Majesty's Treasury or any three or more of them, anything in an Act, 2 & 3 Vict. c. 75, intituled 'An Act for the better Regulation of the Constabulary Force in Ireland,' to the contrary notwithstanding.

And after reciting that by an Act, 6 & 7 Will. 4. c. 29, intituled 'An Act for improving the Police in the District of Dublin Metropolis,' provision is made for the granting of pensions as therein mentioned to Justices, receivers, constables, or other persons holding any office under the said Act, who shall by age, sickness, or accident become unable to perform the duties of such office, and shall therefore resign or be removed from the same: And that by an Act, 1 & 2 Vict. c. 63, intituled 'An Act to amend the Acts relating to the Police of the District of the Dublin Metropolis,' it is enacted that it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland to grant to any divisional or other Justices, receiver, clerks, constables, or other persons appointed or to be appointed under an Act, 48 Geo. 3. c. 140, therein mentioned, or any Act for the amendment thereof, or under the said Act, 6 & 7 Will. 4. c. 29, or any Act for the amendment thereof, upon his retirement or superannuation from such office, such yearly allowance, remuneration, superannuation, or gratuity, and upon such conditions, and not exceeding such proportions as to age, length of service, and other circumstances, as are mentioned and provided for in the hereinbefore mentioned Act, 6 & 7 Will. 4. c. 13, intituled 'An Act to consolidate the Laws relating to the Constabulary Force in Ireland,' in respect of persons appointed under that Act: And that it is expedient that the said last-mentioned enactments should be repealed, and other provisions substituted in lieu thereof:—

It is Enacted,

ix. That from and after the passing of this Act the said last-mentioned enactments shall be and the same are hereby repealed, save and except as to any pension, yearly allowance, remuneration, superannuation, or gratuity heretofore granted, or as to any act, matter, or thing heretofore done under the said enactments, and save and except as to the mode of calculating periods of service.

x. That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any three or more of them, upon the recommendation of the Lord Lieutenant or other chief governor or governors of Ireland, supported by a certificate from the chief secretary of the Lord Lieutenant that the respective party as hereinafter mentioned had served with diligence and fidelity, to order and direct that any divisional or other Justice, receiver, clerk, or other person (not being a constable or sub-constable) heretofore appointed under the said hereinbefore mentioned Act, 48 Geo. 3. c. 140, or any Act for the amendment thereof, or under the said recited Act, 6 & 7 Will. 4. c. 29, for improving the police in the district of Dublin metropolis, or any Act for the amendment thereof, shall and may be superannuated, and shall and may receive such pension or superannuation, yearly allowance, or gratuity, charged upon the funds applicable to the support of the said metropolitan police establishment, clear of all taxes and deductions, as on consideration of all the circumstances of each case they shall think just, not exceeding such proportion of their respective pay or salary as hereinafter mentioned; (that is to say,) for above fifteen years' service and less than twenty years' service an annual sum not exceeding two thirds of the pay or salary of such party, and for above twenty years' service an annual sum not exceeding the whole of the pay or salary of such party; provided that such party shall contribute a sum equal to 2l. per centum per annum on his salary from and after the passing of this Act to the time of his superannuation, such contribution to be paid over to the funds applicable to the support of the said Dublin metropolitan police establishment; and it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland, upon a like certificate as aforesaid, to order and direct that any constable, heretofore appointed or hereafter to be appointed, under the said last-mentioned Act, 6 & 7 Will. 4. c. 29, or any Act amending the same, shall and may be superannuated, and shall and may receive such pension or superannuation, yearly allowance or gratuity, charged upon the said funds applicable to the support of the said metropolitan police establishment, clear of all taxes and deductions, as on consideration of all the circumstances of each case he or they shall think just, not exceeding the like respective proportions of the pay or salary of the party for the respective periods of service by this Act prescribed for the respective constables of the constabulary force heretofore appointed or hereafter to be appointed, as the case may be: Provided always, that any such constable hereafter to be appointed shall contribute towards the payment of the pensions, superannuations, or allowances authorized to be granted under this Act as aforesaid a sum equal to 2l. per centum per annum on his salary, and so rateably for any lesser amount, from the time of his appointment to the time of his superannuation; provided also, that in all such cases as aforesaid, unless the age of the respective party shall exceed sixty years, such person or persons as may be from time to time appointed by the Lord Lieutenant or other chief governor or governors of Ireland for the medical inspection of the Dublin metropolitan police shall certify that such party is unable from mental or bodily infirmity to perform his duty.

xi. That this Act may be amended or repealed by any other Act to be passed in this session of Parliament.

CAP. CI.

AN ACT to continue the Copyhold Commission until the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament.

(22nd July 1847.)

By this Act,

After reciting the passing of 4 & 5 Vict. c. 85,—

It is Enacted,

That every Commissioner, or assistant Commissioner, secretary, assistant secretary, or other officer or person appointed or to be appointed for the purposes of the said commission shall be empowered (unless he shall sooner resign or be removed) to hold his office, and so much of the first-recited Act as authorizes any such appointment shall be continued, until the 1st of *October* 1850, and to the end of the then next session of Parliament.

CAP. CII.

AN ACT to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Courts of Bankruptcy and Court for Relief of Insolvent Debtors.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Court of Review abolished.*
2. *Jurisdiction of Court of Review transferred to one of the Vice Chancellors.*

3. *Laws and orders to apply to Vice Chancellor so sitting.*
4. *Jurisdiction of Courts of Bankruptcy under 5 & 6 Vict. c. 116, 7 & 8 Vict. c. 96. and 8 & 9 Vict. c. 127, transferred to Court for the Relief of Insolvent Debtors and to the County Courts.*
5. *In Insolvent Debtors Court the provisional assignee, and in County Courts the clerk, to act as official assignee; clerks of County Courts to act as registrars; bailiffs of County Courts to act as messengers.*
6. *Jurisdiction of Insolvent Debtors Court and County Courts.*
7. *Recited Acts to apply to persons petitioning who have been in prison.*
8. *If insolvent shall not have resided six months, jurisdiction vested in Insolvent Court or County Court.*
9. *Petitions now pending under recited Acts, &c. to be disposed of notwithstanding the passing of this Act.*
10. *Jurisdiction of the Court for Relief of Insolvent Debtors on circuit transferred to County Courts.*
11. *Recognizances of sureties entered into under 1 & 2 Vict. c. 110. for enforcing attendance of insolvents, to bind persons to appear before County Courts.*
12. *Fees in Insolvent Debtors Court to go in reduction of certain compensations to its officers.*
13. *Power to Secretary of State to order what fees are to be paid to officers under 9 & 10 Vict. c. 95. and this Act.—Until such order made clerks and bailiffs to receive all fees as heretofore.*
14. *Lord Chancellor may give directions for sittings of Court of Bankruptcy elsewhere than in London.*
15. *Lord Chancellor may order payment of travelling and other expenses.*
16. *Forms may be altered.*
17. *Vacancies not to be filled up till after the termination of the next session of Parliament.*
18. *Judges of County Courts incapable of being members of Parliament.*
19. *Interpretation of "Lord Chancellor."*
20. *Commencement of this Act.*
21. *Act may be amended, &c.*

By this Act,

After reciting that it is expedient to abolish the Court of Review in Bankruptcy, and to make alterations in the jurisdiction of the Courts of Bankruptcy and Court for Relief of Insolvent Debtors;—

It is Enacted,

1. That the Court of Review in Bankruptcy and the offices of the Chief Judge and other Judges of the Court of Bankruptcy be hereby abolished.

11. That all the jurisdiction, powers, authorities, and privileges of the said Court of Review in Bankruptcy hereby abolished shall be transferred to and vested in and shall hereafter be exercised and enjoyed by such one of the Vice Chancellors of the High Court of Chancery as the Lord Chancellor shall from time to time be pleased to appoint, and that all persons now holding office or acting in the said Court of Review shall continue to hold the same, and to perform the duties thereof under the jurisdiction hereby created, in the same manner and under the same tenure and subject to the same regulations as they now hold the same and act therein: Provided always, that notwithstanding the passing of this Act the present Judges of the Court of Review shall be entitled to the same rank and precedence to which they are now entitled.

111. That all laws, orders, and authorities touching the practice and manner of proceeding in the said Court of Review, and appealing to and from the said Court, shall continue in force, and be applicable to the jurisdiction of the said Vice Chancellor so appointed; and that all sums and fees shall continue to be payable and receivable by the like persons, and shall continue to be paid and applied to the like purposes, as the same have heretofore been paid and received in respect of any matter in the said Court of Review.

1V. That from the time this Act shall commence and take effect all power, jurisdiction, and authority given to Her Majesty's Court of Bankruptcy and district Courts of Bankruptcy, and to the Commissioners thereof, in matters of insolvency, by an Act, 5 & 6 Vict. c. 116, intituled 'An Act for the Relief of Insolvent Debtors,' and by an Act, 7 & 8 Vict. c. 96, intituled 'An Act to amend the Law of Insolvency, Bankruptcy, and Execution,' and by an Act, 8 & 9 Vict. c. 127, intituled 'An Act for better securing the Payment of small Debts,' or by the rules and orders made in pursuance of any of the said Acts, shall be transferred to and vested in the Court for the Relief of Insolvent Debtors in England, and to and in the Commissioners thereof for the time being, and to and in the County Courts constituted or to be constituted under an Act, 9 & 10 Vict. c. 95, intituled 'An Act for the more easy Recovery of Small Debts and Demands in England,' in manner hereinafter mentioned.

v. That in the Court for the Relief of Insolvent Debtors the provisional assignee, and in the said County Courts the clerk of the court, shall in every case of insolvency under such two first-mentioned Acts be and act as the official assignee of the estate and effects of the insolvent; and that in each of the said County Courts the clerk of such court shall act as the registrars of the Court of Bankruptcy have heretofore been accustomed to act under any of the said Acts; and every such clerk shall do and perform all acts heretofore done and performed by such registrars or by the clerk of the Insolvent Debtors Court under any of the said Acts; and every such clerk shall do and perform all such acts and duties necessary for carrying this Act into effect as shall be ordered by any such County Court, or by any Commissioner of the said Court for the Relief of Insolvent Debtors; and that the high bailiff of every such County Court and his assistants shall be and act as a messenger of the Court of Bankruptcy and his assistants have hitherto been accustomed to act under the said Acts; and such high bailiff and his assistants shall do all acts heretofore done under the said Acts, and shall possess and enjoy all the powers, authorities, and privileges when acting under the said Acts as have been heretofore done, possessed, or enjoyed by any messenger of the Court of Bankruptcy or his assistants when acting under any of the said Acts, and shall do and perform all such acts as shall be ordered by any such County Court for the purpose of carrying this Act into effect.

vi. That from the time this Act shall commence and take effect the Court for the Relief of Insolvent Debtors in England

and the Commissioners thereof, and the Judges of the County Courts aforesaid, shall have jurisdiction in all matters of insolvency and debt under the aforesaid Acts in manner following; that is to say, the said Court for the Relief of Insolvent Debtors, and the Commissioners thereof, in all cases in which the insolvent in cases of insolvency, or the defendant in the case of any summons issued under the aforesaid Act, for the better securing the payment of small debts, shall have resided for six calendar months next immediately preceding the time of filing his petition, or of the suing out of any such summons aforesaid within any parish the distance whereof, as measured by the nearest highway from the General Post Office in London to the parish church of such parish, shall not exceed the distance of twenty miles, to which district the jurisdiction of the said Court and the Commissioners thereof under the aforesaid Acts is hereby restricted; and the said County Courts aforesaid in all cases wherein the insolvent or defendant shall have resided elsewhere, and shall have resided for six calendar months next immediately preceding the time of filing his petition, or the suing out of any summons within the district of such County Court to which such insolvent shall prefer his petition, or to which any plaintiff may apply for any summons as aforesaid; and that every Commissioner of the Court for the Relief of Insolvent Debtors, and every such County Court aforesaid, shall, from and after the time this Act shall commence and take effect, have and exercise, in the prosecution of such petitions and summonses filed and issued in such Courts respectively, the like power and authority in all respects under the aforesaid Acts as the Commissioners of Her Majesty's Court of Bankruptcy and district Courts of Bankruptcy have heretofore had and exercised on the presentation of petitions of insolvent debtors, and on such summonses as aforesaid, under such Acts, except as hereinafter otherwise provided, and shall each, singly, be and form a court for every purpose under this or the aforesaid Acts; and that every Commissioner of the said Court for the Relief of Insolvent Debtors shall henceforth, singly, be and form a court for every purpose under all Acts now in force or which may hereafter be in force relating to insolvent debtors.

VII. And it is declared and enacted, That the said two first-mentioned Acts shall apply to the cases of persons petitioning under the said Acts, although they may have been already in prison under judgment or otherwise for debt.

VIII. Provided and enacted, That if any such insolvent shall not have so resided for six months in any one place as aforesaid, then he shall file his petition in the said Insolvent Debtors Court, and the jurisdiction aforesaid in the matter of such insolvency shall be vested either in the Court for Relief of Insolvent Debtors in London, or in such one of the said County Courts as the said Court for the Relief of Insolvent Debtors shall direct.

IX. That with respect to petitions under the aforesaid Acts or either of them which are now in dependence, or which shall have been presented to the Court of Bankruptcy or any district Court of Bankruptcy before the time at which this Act shall commence and take effect, the provisions of such Acts, and the jurisdiction of such Courts and the Commissioners thereof under such Acts, or under the rules and orders made in pursuance thereof, shall remain in full force and effect notwithstanding the passing of this Act.

X. That from and after the 15th of September next the circuits of the Commissioners of the said Court for the Relief of Insolvent Debtors shall be abolished; and that if thereafter any insolvent debtor in custody in any of Her Majesty's gaols situated elsewhere than within the district to which the jurisdiction of such Court is restricted as hereinbefore mentioned shall petition such Court under any Act or Acts relating to insolvent debtors, other than the two first-mentioned Acts or this Act, or if any such prisoner shall have so petitioned prior to the passing of this Act, and his petition shall not have been heard, or if the same shall have been heard and the consideration thereof shall have been adjourned, such Court or some Commissioner thereof shall forthwith, after the schedule of such prisoner shall have been duly filed in the case of any new petition, and at any time which to such Court or Commissioner shall seem fit in the case of any petition which shall not have come on for hearing, or the hearing of which shall have been adjourned as aforesaid, make an order referring such petition for hearing to the County Court within the district of which such insolvent debtor is in custody, and shall transmit such petition and schedule to such Court for hearing accordingly; and that the Judge of such Court shall appoint a time and place for such prisoner to be brought up before such Court, and cause the usual notices to be given; and that any Court to which any such petition shall be so referred and transmitted shall have and possess the same power and authority with respect to every such petition, and shall make all such orders, give all such directions, and do all such matters and things requisite for the discharging or remanding of such prisoner, and otherwise respecting such prisoner, his schedule, creditors, and assignees, as the said Court for Relief of Insolvent Debtors or any Commissioner thereof might make, give, or do in the matters of petitions heard before such Court or Commissioner under such Acts; and that every such petition and schedule, and all judgments, rules, orders, directions, and proceedings pronounced, made, and done thereon in all and every the matters aforesaid by such County Court, shall be returned to the said Court for the Relief of Insolvent Debtors, signed by the Judge of such County Court, to be a record of the said Court for the Relief of Insolvent Debtors, and to be kept as such among the records thereof; and the said Court for the Relief of Insolvent Debtors, and every Commissioner thereof, in every case in which any insolvent debtor petitioning the Court for the Relief of Insolvent Debtors under such Acts shall be in custody in any of Her Majesty's gaols within the district to which the jurisdiction of such Court is limited aforesaid, and the County Courts in the matter of every such petition so referred and transmitted for hearing as aforesaid, shall have power to issue a warrant or order, directed to the governor, keeper, or gaoler of any gaol, directing him to bring the insolvent before the County Court on the day appointed for the hearing of his petition, or at any adjourned sitting held in the matter of this petition, and every such governor, keeper, or gaoler shall obey such warrant; and every such Court may order the expense attending the bringing up of every such insolvent to be paid by the provisional assignee out of the estate and effects of such insolvent, or if there be no estate, or the same be insufficient for such purpose, out of the interest and profit arising from any government securities upon which any unclaimed money produced by the estates and effects of insolvent debtors may be invested.

And after reciting that in pursuance of an Act, 1 & 2 Vict. c. 110, intituled 'An Act for abolishing Arrest on *Messe Process* in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England,' divers persons as sureties have entered into recognizances to the provisional assignee of the Insolvent Debtors Court, with conditions that the insolvents therein mentioned should duly appear at the times and places therein mentioned, and it is necessary that some of such insolvents should appear before the County Courts under this Act:—

It is Enacted,

xi. That every such recognizance shall extend to bind the persons who may have entered into the same, in case the insolvent debtor therein mentioned shall not at the time appointed in such recognizance duly appear before the County Court to which the matter of such insolvent is transferred by this Act and on every adjourned hearing or shall not abide by the final judgment of such Court.

And after reciting that in consequence of late alterations in the laws of imprisonment for debt certain compensations have become payable and are paid by the Commissioners of Her Majesty's Treasury to the officers of the Court for the Relief of Insolvent Debtors in respect of the diminution of fees received therein: And that by the additional business given to the said Court by this Act the fees payable therein will again be increased, whereby a less sum will be required for the said compensations:—

It is Enacted,

xii. That the fees to be received in the said court in matters where jurisdiction is given by this Act shall be received by the same persons, to be by them applied in the same manner as the fees received in matters heretofore under the jurisdiction of the said Court are now applied, anything herein to the contrary notwithstanding: Provided always, that it shall be lawful for the Commissioners of Her Majesty's Treasury for the time being, or any three of them, and they are hereby empowered, to give such directions as they shall think proper in regard to the compensation allowances now payable to the officers and clerks of the Court for the Relief of Insolvent Debtors in England, under the provisions of the said recited Act, 7 & 8 Vict. c. 96, in consequence of the fees to be received by them being again increased by the operation of this Act.

xiii. That it shall be lawful for one of Her Majesty's principal Secretaries of State, with the consent of the Commissioners of Her Majesty's Treasury, from time to time to order what fees shall be paid and received by the several officers or otherwise under and by virtue of the said recited Act, 9 & 10 Vict. c. 95, and of this Act, and the amount of such fees respectively; and that until such order shall be made the clerks of the several County Courts shall have and receive for their own use all fees which have heretofore been taken under any of the aforesaid Acts by any officer of the Court of Bankruptcy, or by any officer or other person of or connected with the Court for the Relief of Insolvent Debtors, except as hereinafter mentioned, for business which is by this Act transferred to the County Courts; and that the several high bailiffs acting as messengers under this Act as aforesaid shall have and receive for their own use all fees which have heretofore been paid to the messengers of the Court of Bankruptcy when doing the business by this Act directed to be done by such bailiffs.

And after reciting that it may be expedient that the Court of Bankruptcy in London should hold sittings in matters of bankruptcy at some place or places within the district over which the jurisdiction of such Court extends, at which such Court hath not hitherto been used to sit:—

It is Declared and Enacted,

xiv. That it shall be lawful for the Lord Chancellor, at any time or times whenever it shall appear to him to be expedient, by any order or orders to give the necessary directions in that behalf, ordering any Commissioner, registrar, official assignee, messenger, or usher of the Court of Bankruptcy in London to sit and attend and act in the prosecution of any fiat in bankruptcy at any place elsewhere within such district than in the City of London; and every Commissioner, registrar, official assignee, messenger, and usher so sitting, attending, and acting shall have the like power, jurisdiction, and authority as if sitting, attending, and acting in the prosecution of such fiat in London.

xv. That any Commissioner or registrar so sitting and acting shall have paid to him, in addition to his salary, by the Governor and Company of the Bank of England, by virtue of any order or orders of the Lord Chancellor to be made from time to time for that purpose, out of the interest and dividends that have arisen or may arise from the securities now or hereafter to be placed in the Bank of England to an account there, entitled "The Bankruptcy Fund Account," (but subject and without prejudice to any prior charges on the same,) such sum of money for travelling and other expenses as the Lord Chancellor shall deem fit.

xvi. That the forms given in the Schedules to any of the said Acts, or any forms heretofore used under the said Acts, may be altered so far as to adapt them to the change of jurisdiction by this Act directed.

xvii. That the office of the first one of the Commissioners of the Court for the Relief of Insolvent Debtors, and of the first two of the Commissioners of the Court of Bankruptcy in London, which shall become vacant after the passing of this Act, shall not be filled up until after the termination of the session of Parliament next after such vacancies shall have occurred.

xviii. That no Judge of any County Court who has been appointed or who shall hereafter be appointed to that office under or by virtue of the hereinbefore recited Act, 9 & 10 Vict. c. 95, intituled 'An Act for the more easy Recovery of Small Debts and Demands in England,' shall, during his continuance in such office, be capable of being elected or of sitting as a Member of the House of Commons.

xix. That the words "Lord Chancellor" shall in the construction of this Act be interpreted to mean also and include the Lord Keeper and Lords Commissioners for the custody of the Great Seal of the United Kingdom for the time being.

xx. That this Act shall commence and take effect from the 15th of September 1847.

xxi. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. CIII.

AN ACT to amend the Passengers Act, and to make further Provision for the Carriage of Passengers at Sea.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Extent to which the Passengers Act, 5 & 6 Vict. c. 107, shall apply.*
2. *Colonial Land and Emigration Commissioners may in certain cases substitute other articles of food for that mentioned in the recited Act.*
3. *All articles of food required by recited Act to be furnished at the expense of the owners or charterers, and to be of good quality.*
4. *Regulation with respect to the carriage of gunpowder, &c.*
5. *Regulations for insuring proper light and ventilation.*
6. *Officer from whom a clearance is demanded to require ship to be surveyed, at the expense of the owner.—If ship reported not seaworthy, the same not to be cleared until rendered so.*
7. *Ship not to be cleared out until reported to be properly manned.*
8. *Rates after which ships shall be manned.*
9. *No ship to be cleared until a certificate is obtained, that all the requirements of the law have been complied with.*
10. *Ships putting into any port in the United Kingdom after sailing to replenish provisions, &c.*
11. *In case ship is wrecked, &c., or prevented from landing her passengers in a reasonable time, they shall be provided with a passage by some other vessel; and in default passengers, &c. may recover expenses by summary process.*
12. *How children are to be computed in reckoning the proportion of passengers to tonnage.—Penalty for excess of numbers in proportion to tonnage.*
13. *Recovery of penalties.*
14. *Penalty on person inducing another to part with acknowledgment for passage money.*
15. *Government emigration agents to be henceforth styled "Emigration Officers."*
16. *Definition of terms used in this Act.*
17. *Act may be amended, &c.*

By this Act,

After reciting that by an Act, 5 & 6 Vict. c. 107, it is amongst other things provided, that the said Act shall not extend to any ship carrying less than thirty passengers, and that it is expedient that the said Act should be amended in that respect:—

It is Enacted,

1. That the said recited Act shall hereafter extend and the same is hereby extended to the case of every ship carrying any passenger on any such voyage as in the said recited Act is mentioned: Provided that when the number of passengers carried in any such ship shall not bear to the registered tonnage thereof a greater proportion than that of one passenger to every twenty-five tons, so much and such parts only as are next hereinafter specified of the said recited Act shall extend and are hereby extended to the case of any such ship; that is to say, such parts thereof as relate to the recovery of money in certain cases by way of return of passage money; or as relate to subsistence money; or as relate to compensation to be made for the loss of passage; or as relate to the giving receipts for money received for or in respect of any passage to North America; or as relate to the receipt of money for or in respect of any such passage by any person as agent, not having a written authority from his principal to act in that capacity; or as relate to the inducing of any person by any fraud or false pretence to engage any such passage; or as relate to any prosecution or other proceeding at law for the recovery of such passage or subsistence money, or of such compensation as aforesaid, or for the infliction of any fines or penalties in respect of any of the matters or things aforesaid: Provided also, that if in any suit, action, prosecution, or other legal proceeding under the said recited Act any question shall arise whether any ship proceeding on any voyage did or did not carry a greater number of passengers than aforesaid in proportion to the tonnage thereof, the burden of proving that the number of passengers so carried in proportion to the tonnage of the ship was not greater than that of one person to every twenty-five tons shall lie upon the person against whom any such suit, action, or other legal proceeding may be brought, and failing such proof it shall for any such purpose as aforesaid be taken and adjudged that the number of passengers so carried did exceed that proportion.

And after reciting that it may from time to time be necessary that for the articles of food mentioned in the said recited Act, or for some of them, other equivalent articles should be substituted:—

It is Enacted,

11. That it shall be lawful for Her Majesty's Colonial Land and Emigration Commissioners for the time being, acting under the authority of one of Her Majesty's principal Secretaries of State, from time to time, by any notice or notices for that purpose, issued under the hands of any two of such Commissioners, and published in the "*London Gazette*," to substitute for any of the articles of food mentioned in the said recited Act any other article or articles of food, as to the said Commissioners shall seem meet, and any such notice or notices from time to time to alter, amend, or revoke as occasion may require: Provided always, that all the clauses and provisions in the said recited Act contained respecting the articles of food therein mentioned shall extend and are hereby extended to the case of such substituted articles.

III. That all articles of food required by the said recited Act, or by any such notice or notices as aforesaid, to be laden on board any ship carrying passengers, shall before such ship shall be cleared out be furnished and laden on board by and at the expense of the owner or charterer of such ship, for the purposes in the said recited Act provided, and shall be of a quality to be approved of by the emigration officer at the port of clearance, or his assistant, or, where there is no such officer, or in his absence, by the officer of Customs from whom a clearance shall be demanded; and that in case of any default herein the owner, charterer, or master of such ship shall be liable to the payment of a penalty not exceeding 50*l.*

IV. That in any ship carrying on any such voyage as in the said recited Act is mentioned a greater number of passengers than in the proportion of one passenger to every twenty-five tons of the registered tonnage of such ship, it shall not be lawful to put on board or carry as cargo any gunpowder, vitriol, or green hides, and that no such ship having on board as cargo any such articles as aforesaid shall be allowed to clear out or proceed on her voyage.

V. That for the purpose of insuring a proper supply of light and air in every ship carrying on any such voyage as in the said recited Act mentioned a greater number of passengers than in the proportion of one passenger to every twenty-five tons of the registered tonnage of such ship, the passengers shall, at all times during the voyage (weather permitting,) have free access to and from the between decks by each hatchway situate over the space appropriated to the use of such passengers: Provided always, that if the main hatchway be not one of the hatchways appropriated to the use of the passengers, or if the natural supply of light and air through the same be in any manner unduly impeded, it shall be lawful for the emigration officer at the port of clearance, or his assistant, or, where there is no such officer, or in his absence, to the chief officer of Customs at a port from which a clearance shall be demanded, to direct such other provision to be made for affording light and air to the between decks as the circumstances of the case may, in the judgment of such officer, appear to require, which directions shall be duly carried out to his satisfaction; and in case of any default herein the master of the said ship shall be liable to the payment of a penalty not exceeding 50*l.* sterling.

VI. That the emigration officer at the port of clearance, or his assistant, or, where there is no such officer, or in his absence, the officer of Customs from whom a clearance shall be demanded, shall in all cases require any ship fitted or about to carry passengers on any such voyage as in the said recited Act is mentioned to be surveyed, at the expense of the owner or charterer thereof, by two or more competent surveyors, to be duly authorized and approved of, either by the Commissioners of Colonial Lands and Emigration or by the Commissioners of Customs, as the case may be; and if it shall be reported by such surveyors that they have surveyed such ship, and that such ship is not in their opinion seaworthy, so as to be fit in all respects for her intended voyage, such ship shall not be cleared out until the same or two other surveyors appointed as aforesaid shall report that such ship has been rendered seaworthy, and in all respects fit for her intended voyage: Provided always, that the precautions for ascertaining the seaworthiness of ships, and their state of repair and efficiency for their intended voyages respectively, shall in all respects, and without distinction, be the same for foreign as for British ships.

VII. That unless it shall be proved to the satisfaction of the emigration officer at the port of clearance, or his assistant, or, where there is no such officer, or in his absence, the officer of Customs from whom a clearance shall be demanded, that such ship as aforesaid is manned with a full complement of men, such ship shall not be cleared out.

VIII. That every ship carrying passengers from any port or place in the United Kingdom on any such voyage as in the said recited Act is mentioned shall be manned with a crew, including the master, not fewer in number, in proportion to the registered tonnage of such ship, than after the following rates; that is to say, after the rate of not less than four men and one boy for every one hundred tons of the first six hundred tons of the registered tonnage of such ship, and for every additional one hundred tons beyond six hundred tons after the rate of not less than three men and a boy, and so in proportion in either case for any number of tons less than a hundred: Provided always, that foreign ships not required to carry by the laws of the country to which they belong as many apprentices as British ships of like burden shall be deemed to be sufficiently manned under the provisions of this Act if in lieu of boys able seamen be substituted in proportion to one such seaman to every two boys; and that in the case of any British ship, if the numbers of boys required to be carried by this Act shall exceed the number of apprentices required to be carried under an Act, 7 & 8 Vict. c. 112, intituled 'An Act to amend and consolidate the Laws relating to Merchant Seamen,' and for keeping a Register of Seamen,' it shall be lawful in respect of any such excess to substitute in like manner able seamen in the proportion of one such seaman to every two boys: Provided also, that for the purposes of this Act only such persons shall be deemed to be boys as shall be upwards of twelve and under seventeen years of age.

IX. That no ship carrying on any such voyage as in the said recited Act is mentioned a greater number of passengers than in the proportion of one passenger to every twenty-five tons of the registered tonnage of such ship shall be allowed to clear out or proceed on her voyage until the master thereof shall have obtained from the emigration officer at the port of clearance or his assistant, or, where there is no such officer, or in his absence, from the officer of Customs from whom a clearance shall be demanded, a certificate under his hand that all the requirements, as well of this Act as of the said recited Act, so far as the same can be complied with before the departure of such ship, have been duly complied with.

X. That if any ship carrying on any such voyage as in the said recited Act is mentioned a greater number of passengers than in the proportion of one passenger to every twenty-five tons of the registered tonnage of such ship shall put to sea, and shall afterwards put into or touch at any port or place in the United Kingdom, it shall not be lawful for such ship to leave such port or place until there shall have been laden on board, as hereinbefore is mentioned, such further supply of pure water, wholesome provisions of the requisite kinds and qualities, and medical stores, as may be necessary to make up the full quantities of those articles required by the hereinbefore recited Act or this Act for the use of the passengers during the whole of the intended voyage, nor until the master of the said ship shall have obtained from the emigration officer, or his assistant, or, where there is no such officer or in his absence, from the officer of Customs, as the case may be, at such port or place, a certificate to the same effect as the certificate hereinbefore required to enable the ship to be cleared out; and in case of any default herein, the master of the said ship shall be liable to the payment of a penalty not exceeding 100*l.* sterling.

XI. That in case any ship carrying passengers on any such voyage as in the said recited Act is mentioned shall be wrecked or otherwise destroyed, and shall thereby or by any other cause whatsoever be prevented from landing her passengers at the place they may have respectively contracted to land, or in case such ship shall put into any port or place in a damaged state, and shall not within a reasonable time be ready to proceed with her passengers on her intended voyage, after having been first efficiently repaired, and in all respects put into a sound and seaworthy condition, then and in any of such cases such passengers respectively shall be provided with a passage by some other equally eligible vessel to the port or place at which they respectively may have originally contracted to land; and in default thereof within a reasonable time, such passengers respectively, or any emigration officer on their behalf, shall be entitled to recover, by summary process before any two or more Justices of the Peace, in like manner as in the said recited Act is provided in the cases of monies thereby made recoverable, all monies which shall have been paid by or on account of such passengers, or any of them, for such passage, from the party to whom the same may have been paid, or from the owner, charterer, or master of such ship, and also such further sum, not exceeding 5*l.* in respect of each such passage, as shall in the opinion of the Justices who shall adjudicate on the complaint be a reasonable compensation for any loss or inconvenience occasioned to any such passenger, or his or her family, by reason of the loss of such passage.

And in order to remove doubts which have arisen in the construction of the said recited Act:—

It is Enacted,

XII. That, for the purpose of determining the number of persons which according to the said Act can be carried in any ship in proportion to the registered tonnage thereof, two children under the age of fourteen years shall be computed as one person, and that children under the age of one year shall not be included in such computation: Provided always, that if any ship shall carry upon any such voyage as in the said recited Act is mentioned a greater number of persons, computed as aforesaid, in proportion to the registered tonnage thereof, than in the proportion in the said recited Act mentioned, the master of such ship shall, for and in respect of every person constituting such excess, be liable to the payment of a penalty not exceeding 5*l.* sterling.

XIII. That all penalties imposed by this Act shall be sued for and recovered by such persons only and in such and the same manner as in the said recited Act is provided in the case of the penalties thereby imposed.

And after reciting that in many cases persons having received under the requirements of the said recited Act contract tickets or written acknowledgments for money in respect of passengers to North America have afterwards been induced to part with the same, whereby they have been deprived of the means of enforcing their rights under such contract tickets:—

It is Enacted,

XIV. That any owner, charterer, or master of a ship, or any passage broker or other person, who shall induce any person to part with, render useless, or destroy any such contract ticket or acknowledgment for passage money as aforesaid during the continuance of the contract which it is intended to be evidence, shall be liable in each case to a penalty not exceeding 5*l.*

XV. That the officers known as Government emigration agents may henceforward be styled "emigration officers;" and that all powers, functions and privileges vested in such Government emigration agents by the said recited Act or by any other Act shall vest in and be exercised by the "emigration officers" for the time being, in like manner as if they bore the designation of Government emigration agent.

XVI. That whenever the term "passenger" or "passage" is used in this Act it shall be held not to include or extend to the class of passengers or passages commonly known and understood by the name of "cabin passengers" and "cabin passages;" and that the term "ship" shall include and mean every description of vessel, whether British or foreign, carrying passengers upon any voyage to which the provisions of the said hereinbefore recited Passengers Act or this Act shall for the time being extend.

XVII. That this Act may be amended or repealed during the present session of Parliament.

CAP. CIV.

AN ACT to explain the Acts for the Commutation of Tithes in *England* and *Wales*, and to continue the Officers appointed under the said Acts until the First Day of October One thousand eight hundred and fifty, and to the End of the then next Session of Parliament.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *So much of recited Acts as limits the duration of Tithe Commission repealed.—Powers of Commissioners, &c. to continue in force till October 1st, 1850, unless sooner determined.*
 2. *Confirmed apportionments to stand good.*
 3. *Instruments of apportionment may be corrected if any lands shall have been improperly included or charged with rent-charge therein.*
 4. *Instruments to be delivered up for the purpose of such correction.*
 5. *Act may be amended, &c.*
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By this Act,

After reciting that by an Act, 6 & 7 Will. 4. c. 71, Tithe Commissioners for England and Wales were appointed, and by the said Act, and by sundry Acts since passed for the amendment thereof, and for continuance of the said commission, the powers of the said Commissioners now stand limited, and will expire at the end of the session of Parliament next after the 31st of July in this year 1847; and that it is expedient that the same be further continued :—

• It is Enacted,

i. That so much of any of the recited Acts as limits the time during which any Tithe Commissioner, assistant Commissioner, secretary, or assistant secretary, or other officer or person appointed or to be appointed under the first-recited Act, shall hold his office to the said 31st of July shall be repealed; and that the Commissioners and assistant Commissioners, secretary, assistant secretary, and other officers and persons appointed or to be appointed under the first-recited Act, may continue to hold their several offices, if not sooner removed by lawful authority, until the 1st of October in the year 1850, and until the end of the then next session of Parliament; and that all the powers of the said Commissioners, and their assistant Commissioners, secretary, assistant secretary, officers, and servants for the time being, shall continue in force, according to the provisions of the said several Acts as amended by this Act, until the 1st of October and the end of the then next session of Parliament, unless Her Majesty shall be pleased sooner to determine the said commission.

And after reciting that by the first-recited Act it was enacted, for the quieting of titles, that no confirmed agreement, award, or apportionment shall be impeached after the confirmation thereof by reason of any mistake or informality therein, or in any proceeding relating thereto, and doubts have been entertained as to the full meaning and extent of such enactment :—

It is Enacted,

ii. That, notwithstanding any exception in the said Act contained, every instrument purporting to be an instrument of apportionment, confirmed under the hands and seal of the said Tithe Commissioners, shall be hereby absolutely confirmed and made valid, both at law and in equity, in all respects, subject nevertheless to the powers given to the Tithe Commissioners in the first recited Act, or in any Act passed for the amendment thereof, for alteration of any instrument of apportionment.

iii. Provided and enacted, That if it shall be shewn to the satisfaction of the said Tithe Commissioners that any lands have been improperly included or improperly charged with rent-charge in any confirmed instrument of apportionment, it shall be lawful for the said Tithe Commissioners to correct such apportionment, and the deposited copies thereof, either by excluding such lands so improperly charged from the apportionment, and re-distributing any rent-charge imposed upon such lands on lands legally liable to the payment thereof, or by sanctioning the redemption of the rent-charge so improperly charged by the persons capable of redeeming the same under the provisions of an Act, 9 & 10 Vict. c. 73, intituled 'An Act further to amend the Acts for the Commutation of Tithes in England and Wales;' and all costs and expenses attendant upon the correction of any confirmed instrument of apportionment shall be borne and paid by such persons and in such proportions as the said Tithe Commissioners shall direct, and shall be recoverable from the person or persons declared liable by the said Tithe Commissioners to the payment of the same in such manner as expenses attendant upon original instruments of apportionment are recoverable.

iv. That for the purposes of such correction or of recording any such redemption the person or persons having the custody of any copy of any instrument of apportionment shall be bound, upon the application of the Tithe Commissioners, to deliver to the said Tithe Commissioners any copy of a confirmed instrument of apportionment which shall have been deposited with them respectively.

v. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. CV.

AN ACT to continue until the First Day of *October* One thousand eight hundred and forty-eight, and to the End of the then next Session of Parliament, certain Turnpike Acts.

(22nd July 1847.)

By this Act, every Act now in force for regulating, making, amending, or repairing any turnpike road in Great Britain which will expire on or before the end of the next session of Parliament is continued until the 1st of October 1848, and to the end of the then next session of Parliament, except an Act, 6 Geo. 4. c. clx., intituled 'An Act for making and maintaining a Turnpike Road from Brompton and Earles Court in the Pariah of St. Mary Abbott's, Kensington, in the County of Middlesex, to communicate with the Road called Fulham Fields Road at North End, in the same County; and for making another Turnpike Road to communicate therewith from the High Road from London to Fulham, in the said County.'

CAP. CVI.—IRELAND.

AN ACT to provide additional Funds for Loans for Drainage and other Works of public Utility in Ireland, and to repeal an Act of the last Session, for authorizing a further Issue of Money in aid of Public Works of acknowledged Utility.

(22nd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *The Treasury may direct the Commissioners for executing the Acts 5 & 6 Vict. c. 9. and 9 & 10 Vict. c. 80. to transfer 120,000*l.* to the Commissioners of Public Works in Ireland.*
2. *Treasury may cause to be issued a further sum of Money to Commissioners of Public Works, Ireland.*
3. *Powers, &c. of first-recited Act, &c., extended to this Act.*
4. *9 & 10 Vict. c. 109. repealed.*
5. *Act may be amended, &c.*

By this Act, .

After reciting the passing of 9 & 10 Vict. c. 85. and 9 & 10 Vict. c. 108, and that sundry advances or loans have been made by the Commissioners of Public Works in Ireland under the said recited Acts, and the monies now at the disposal of the said Commissioners to be advanced by way of loan are insufficient for the purpose of making the advances which it may be advisable that the said Commissioners in the present distressed state of Ireland should make under the provisions of the several Acts now in force authorizing loans for the promotion of drainage and other works of public utility in Ireland :—

It is Enacted,

i. That out of the sum, not exceeding 360,000*l.* per annum, which by an Act, 5 & 6 Vict. c. 9, intituled 'An Act to authorize the Advance of Money out of the Consolidated Fund to a limited Amount for carrying on Public Works and Fisheries, and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes,' the Commissioners of Her Majesty's Treasury were authorized to charge on the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and which they were authorized to direct to be paid to the account of the Commissioners for the Reduction of the National Debt, during the term of five years next ensuing the 5th of April 1842, and which by another Act, 9 & 10 Vict. c. 80, intituled 'An Act to authorize the Advance of Money out of the Consolidated Fund for carrying on Public Works and Fisheries, and Employment of the Poor,' the said Commissioners of Her Majesty's Treasury are authorized to charge on the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and which they are authorized to direct to be paid to the account of the Commissioners for the Reduction of the National Debt, during the term of five years next ensuing the 4th of April 1847, it shall be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland to direct the Commissioners for carrying into execution the said two last-recited Acts to transfer out of the sums paid to their account, before the 4th of April next ensuing, from their account with the Commissioners for the Reduction of the National Debt to the account kept by the last-mentioned Commissioners with the Commissioners of Public Works in Ireland, a sum not exceeding 120,000*l.*, to be placed at the disposal of the said Commissioners of Public Works in Ireland for the purposes of the loans which the said last-mentioned Commissioners may be called upon to make under the provisions of the Acts now in force authorizing loans to be made for the extension and promotion of drainage and other works of public utility in Ireland.

ii. That it shall be lawful for the said Commissioners of Her Majesty's Treasury to cause to be issued from time to time, as they may find necessary, out of the growing produce of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, any further sum or sums of money, not exceeding 250,000*l.*, to be placed at the disposal of the Commissioners of Public Works in Ireland for the purposes of the loans which the said Commissioners of Public Works in Ireland may be called upon to make under the provisions of the Acts now in force authorizing loans to be made for the extension and promotion of drainage and other works of public utility in Ireland.

iii. That all the powers, authorities, provisions, matters, and things, of what nature or kind soever, contained in or referred to by the first herein recited Act, and in any Act authorizing loans to be made for the extension and promotion of drainage and other works of public utility in Ireland, shall extend to this Act, and to the loans hereby authorized to be made.

And after reciting that an Act, 9 & 10 Vict. c. 109, intituled 'An Act to authorize a further Issue of Money in aid of Public Works of acknowledged Utility in poor Districts in Ireland;' and that other provisions have been made by Parliament in relation to the sum of 50,000*l.* authorized to be issued by the said Act, and that it is therefore expedient to repeal the same:—

It is Enacted,

iv. That the said Act shall be repealed.

v. That this Act may be amended or repealed by any Act to be passed during the present session of Parliament.

CAP. CVII.

AN ACT to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and forty-seven; and to appropriate the Supplies granted in this Session of Parliament.

(23rd July 1847.)

This Act contains the following clauses:—

- i. There shall be applied, for the service of the year 1847, 15,342,090*l.* 18*s.* 8*d.* out of the Consolidated Fund.
- ii. The Treasury may cause 15,342,090*l.* 18*s.* 8*d.* of Exchequer bills to be made out in manner prescribed by 48 Geo. 3. c. 1, & 5 Will. 4. c. 16, and 5 & 6 Vict. c. 66.
- iii. The clauses, &c. in recited Acts extended to this Act.
- iv. Interest on Exchequer bills.
- v. Bank of England may advance 15,342,090*l.* 18*s.* 8*d.* on the credit of this Act, notwithstanding 5 & 6 Will. & M. c. 20.
- vi. Bills prepared by virtue of this Act to be delivered to the Bank as security for such advances.
- vii. Monies raised by Exchequer bills to be applied to services voted by the Commons.
- viii. Exchequer bills made chargeable upon the growing produce of the Consolidated Fund.
- ix. The Treasury to issue 80,618*l.* 8*s.* 1*d.*, surplus of Ways and Means, and 500,000*l.* now in the Exchequer, to complete the Aids granted for 1846 and 1846.
- x. Monies coming into the Exchequer by 10 & 11 Vict. c. 8, and 10 & 11 Vict. c. 9.—18,310,700*l.* by Exchequer bills, 10 & 11 Vict. c. 19; and 15,342,890*l.* 18*s.* 8*d.*, 80,618*l.* 8*s.* 1*d.*, and 500,000*l.* by this Act, applied as hereafter expressed.
- xi. There shall be issued 185,280*l.* 6*s.* 9*d.* for excess of naval expenditure over grants of 1846.
- xii. There shall be issued 7,561,876*l.* for naval services; viz. 1,325,820*l.* for wages to 41,500 seamen and marines, &c.; 635,452*l.* for victuals, &c. in the navy; 137,054*l.* for salaries, &c. of the Admiralty Office; 9,229*l.* for Registry Office of Seamen, &c.; 44,277*l.* for the navy scientific departments; 137,223*l.* for naval establishments at home; 25,557*l.* for naval establishments abroad; 811,304*l.* for wages of artificers, &c. at home; 42,270*l.* for wages of artificers, &c. abroad; 1,556,498*l.* for naval stores, &c.; 559,600*l.* for new works in naval establishments; 22,839*l.* for medicines, &c.; 59,847*l.* for naval miscellaneous services; 725,788*l.* for naval half-pay; 486,447*l.* for military pensions; 153,458*l.* for civil pensions; 243,202*l.* to defray the charge of transports, &c.; 21,674*l.* to defray the charge of convicts, home department; 564,337*l.* for mail packet service.
- xiii. There shall be issued 6,913,816*l.* for army services; viz. 3,728,737*l.* for forces in United Kingdom and stations abroad (except the East Indies); 177,778*l.* for general staff officers, &c.; 96,532*l.* for allowances to officers, &c. of public military departments; 17,633*l.* for Royal Military Asylum, &c.; 86,304*l.* for volunteer corps; 15,740*l.* for rewards for distinguished military services; 82,000*l.* for certain general officers; 59,000*l.* for full pay for retired officers; 420,000*l.* for half-pay for retired officers; 49,136*l.* for half-pay, &c. to officers of disbanded foreign corps, &c.; 131,859*l.* for pensions to widows; 98,000*l.* for compassionate list, &c.; 36,623*l.* for Chelsea and Kilmainham Hospitals; 1,236,732*l.* for out-pensioners of Chelsea Hospital, &c.; 39,000*l.* for superannuations in military public departments; 453,786*l.* for commissariat department; 40,646*l.* for half-pay of commissariat department; 144,310*l.* for disembodied militia.
- xiv. There shall be issued 2,679,124*l.* for Ordnance services; viz. 617,239*l.* for Ordnance military corps; 370,464*l.* for commissariat and barrack supplies, &c.; 96,444*l.* for Ordnance offices at the Tower and Pall Mall; 228,130*l.* for Ordnance and barrack establishments; 137,852*l.* for wages of artificers, &c. in the Ordnance department; 368,712*l.* for Ordnance stores for land and sea service; 632,765*l.* for Ordnance and barrack works; 58,986*l.* for scientific branch of Ordnance department; 168,532*l.* for non-effective Ordnance services.
- xv. There shall be issued 18,310,700*l.* to pay off Exchequer bills of 1847; 500,000*l.* to discharge supplies granted for 1846, &c.
- xvi. There shall be issued 500,000*l.* for relief of distress, Ireland, to 31st March 1847; 600,000*l.* for ditto, to 31st March 1848; 600,000*l.* for ditto, to 31st of March 1848.
- xvii. There shall be issued 100,000*l.* for civil contingencies; 150,000*l.* for New Houses of Parliament; 117,989*l.* for repairs of public buildings, furniture of public offices, &c.; 50,000*l.* for enlarging Buckingham Palace; 5,500*l.* for a palm house in the Royal Botanic Gardens at Kew; 17,709*l.* for temporary accommodation for Houses of Parliament, &c.; 11,435*l.* for rebuilding the Home Office, &c.; 4,429*l.* for Holyhead Harbour, &c.; 140,000*l.* for harbours of refuge; 50,000*l.* for Caledonian Canal; 20,476*l.* for public buildings, &c. Ireland; 8,200*l.* for Kingstown Harbour; 3,515*l.* for temporary accommodation for Houses of Parliament; 10,000*l.* for Port Patrick Harbour.
- xviii. There shall be issued 25,000*l.* for salaries, &c. for both Houses of Parliament; 56,900*l.* for the Treasury; 16,400*l.* for the Home Department; 71,000*l.* for the Foreign Department, &c.; 18,000*l.* for the Colonial Department; 37,700*l.* for the Privy Council and Board of Trade; 2,000*l.* for Lord Privy Seal; 26,722*l.* for office of Paymaster General; 15,823*l.* for Comptroller General of Exchequer, &c.; 2,650*l.* for State Paper Office; 3,440*l.* for Ecclesiastical Commissioners for England; 77,806*l.* for the Mint; 17,000*l.* for Commissioners of Railways; 12,812*l.* for Public Records, &c.; 13,034*l.* for salaries, &c. of

inspectors of factories, &c.; 1,755*l.* salaries of officers, Scotland, &c.; 6,444*l.* household of Lord Lieutenant of Ireland; 22,788*l.* for offices of Chief Secretary, &c., Ireland; 5,135*l.* for Paymaster of Civil Services, Ireland; 27,028*l.* for Board of Public Works, Ireland; 39,000*l.* for foreign and secret services; 295,513*l.* for stationery, &c. for Government departments; 182,200*l.* for the Poor Law Commissioners.

XIX. There shall be issued 9,600*l.* for prosecutions under laws relating to coin; 16,100*l.* for expenses of sheriffs, salaries of officers of the Exchequer, &c.; 13,368*l.* for Insolvent Debtors Court; 61,060*l.* for law expenses, Scotland; 71,259*l.* for law expenses, Ireland; 388,000*l.* for charges formerly paid out of county rates; 14,349*l.* Parkhurst Prison; 18,307*l.* for Pentonville Prison; 33,985*l.* for Millbank Prison; 8,812*l.* for Perth Prison; 3,223*l.* for convict depôts in Dublin, &c.; 10,000*l.* for a general prison for convicts, Ireland; 4,202*l.* for criminal lunatics; 6,293*l.* for a prison for criminal lunatics, Dublin; 11,100*l.* inspectors of prisons, &c.; 35,900*l.* for the police of Dublin; 118,780*l.* for convicts at home, &c.; 200,000*l.* for convicts at New South Wales, &c.; 12,000*l.* for maintenance of convicts, Ireland.

XX. There shall be issued 48,518*l.* for British Museum; 100,000*l.* for public education; 100,000*l.* for education, Ireland; 6,500*l.* School of Design, &c.; 2,006*l.* for certain professors at Oxford and Cambridge; 4,536*l.* for London University; 7,480*l.* for grants to Scottish universities; 300*l.* for Royal Irish Academy; 300*l.* for Royal Hibernian Academy; 6,000*l.* for Royal Dublin Society; 3,900*l.* Belfast Academical Institution; 47,959*l.* for buildings at British Museum; 3,152*l.* for antiquities for ditto; 5,537*l.* for National Gallery; 8,961*l.* for geological survey, &c.; 4,094*l.* for observatories at Toronto, &c.; 2,000*l.* for completing monument to Lord Nelson.

XXI. There shall be issued 3,410*l.* for civil establishment of the Bahama Islands; 4,049*l.* for ditto of the Bermudas; 3,070*l.* for ditto of Prince Edward's Island; 400*l.* for Sable Island, &c.; 13,680*l.* for civil establishments on the western coast of Africa; 11,500*l.* for St. Helena; 7,219*l.* for Western Australia; 1,240*l.* for Port Essington; 5,500*l.* for the Falkland Islands; 36,000*l.* for New Zealand; 1,023*l.* for Heligoland; 18,394*l.* for West India colonies; 11,578*l.* for ecclesiastical establishment of British North American provinces; 15,000*l.* for Indian department in Canada; 23,815*l.* for Colonial Land and Emigration Board, &c.; 41,600*l.* for Justices in West Indies, &c.; 10,000*l.* for support of captured negroes, &c.; 23,000*l.* for commissions for suppressing the slave trade; 118,970*l.* for consular establishment; 50,000*l.* for British settlement at Hong Kong, &c.; 20,000*l.* for missions abroad.

XXII. There shall be issued 87,200*l.* for retired allowances to public officers; 5,000*l.* for Toulonese and Corsican emigrants, &c.; 2,295*l.* for National Vaccine Institution; 3,000*l.* for Refuge for Destitute; 11,000*l.* for Polish Refugees, &c.; 6,772*l.* to pay allowances formerly paid from Civil List, &c.; 4,286*l.* for Foundling Hospital, Dublin; 14,026*l.* for House of Industry, Dublin; 1,000*l.* for Female Orphan House, Dublin; 2,500*l.* for Westmoreland Lock Hospital; 1,000*l.* for Lying-in Hospital, Dublin; 1,500*l.* for Dr. Stevens' Hospital; 3,800*l.* for Fever Hospital, &c., Dublin; 500*l.* for Hospital for Incurables; 26,214*l.* for Protestant dissenting ministers, Ireland; 7,256*l.* for charitable allowances, Ireland.

XXIII. There shall be issued 3,400*l.* for Criminal Law Commission; 1,500*l.* for criminal laws in the Channel Islands Commission; 33,000*l.* for certain navigation works, Ireland; 1,662*l.* for British ambassador's house at Paris; 50,000*l.* for steam to India; 16,000*l.* for militia, Canada; 4,000*l.* for lighthouses at Newfoundland, &c.; 7,750*l.* for services in the suppression of the Slave Trade; 5,500*l.* for further navigation works, Ireland.

XXIV. Supplies to be applied only for the purposes aforesaid.

XXV. Expenditure for navy, army and ordnance services respectively to be confined to the separate services for which granted.—Treasury may, on application, alter the proportionate amounts for such separate services, provided the total grant to each department be not exceeded.

XXVI. Rules to be observed in the application of the sum appropriated to half-pay.—Not to prevent the receiving of half-pay under any Act relating to the general or local militia, &c.—Paymaster-General, by permission of the Treasury, may issue half-pay to officers appointed to civil offices since July 1828.—An account of the number of officers so receiving half-pay to be laid before Parliament.

XXVII. Treasury may authorize military officers in civil employments to receive half-pay in certain cases.

XXVIII. Persons concerned in issuing, paying, and receiving money for the payment of half-pay, without the oaths having been taken as required, indemnified.

XXIX. Half-pay allowed to the officers of the Manx Fencibles.

XXX. Half-pay allowances to chaplains of regiments not being in possession of ecclesiastical benefices derived from the Crown.

XXXI. By 9 & 10 Vict. c. 116. a sum was appropriated to be paid to half pay officers, the surplus of which is hereby authorized to be disposed of as Her Majesty shall direct.

XXXII. Widows and persons claiming pensions shall make the required declaration.

XXXIII. Declarations to be made as specified in 5 & 6 Will. 4. c. 62.

CAP. CVIII.

AN ACT for establishing the Bishoprick of *Manchester*, and amending certain Acts relating to the Ecclesiastical Commissioners for *England*.

(23rd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Commissioners' first report.—Recommendations.—Repeal of repugnant enactments; and powers of former Acts extended to this Act.*
2. *Number of lords spiritual not to be increased.*
3. *Act may be amended, &c.*

By this Act,

After reciting the passing of 6 & 7 Will. 4. c. 77, 3 & 4 Vict. c. 113, 4 & 5 Vict. c. 39, and 6 & 7 Vict. c. 77: And that Her Majesty was pleased, on the 10th of February in this year 1847, to issue a commission to certain persons therein named, directing them to consider the state of the several bishopricks in England and Wales with special reference to the intention, therein graciously declared by Her Majesty, that a measure should be submitted to Parliament for continuing the bishopricks of Saint Asaph and Bangor as separate bishopricks, and for establishing forthwith a bishoprick of Manchester; and the said Commissioners have made their first report to Her Majesty, bearing date the 20th of April in this present year, and have in their said report recommended,

That the diocese of Saint Asaph consist of the whole counties of Flint and Denbigh, and such parts of the counties of Salop and Montgomery as are now in that diocese, except the deanry of Ceifeiliog in the last-mentioned county; and
 That the diocese of Bangor consist of the whole counties of Anglesea, Carnarvon, and Merioneth, and the deanries of Ceifeiliog and Arwstley in the county of Montgomery; and
 That the diocese of Chester consist of the county of Chester and the deanry of Warrington in the county of Lancaster, except the parish of Leigh; and
 That the new bishoprick of Manchester be forthwith founded, and endowed out of the revenues at the disposal of the Ecclesiastical Commissioners for England applicable to episcopal purposes; and
 That the diocese of Manchester consist of such parts of the deanries of Kendal and Kirkby Lonsdale as are in the county of Lancaster, and of the deanries of Amounderness, Blackburn, Manchester, and Leyland, and the parish of Leigh in the deanry of Warrington, all in the same county; and
 That an archdeaconry of Liverpool be founded in the diocese of Chester; and that such archdeaconry comprise the deanry of Worrall in the county of Chester and the deanry of Warrington (except the parish of Leigh) in the county of Lancaster:
 And that it is expedient that the said recommendations should be carried into effect, with such modifications as may be found necessary, and that certain of the provisions of the said recited Acts should be altered and amended:—

It is Enacted,

i. That so much and such parts of the said recited Acts as provide for or apply to the union of the bishopricks, sees, or dioceses of Saint Asaph and Bangor, and also any orders of Her Majesty in council relating to the said union, or to the new see or diocese of Manchester, shall be repealed, and that all the powers and authorities vested in Her Majesty in council, and in the Ecclesiastical Commissioners for England, by the said first and secondly recited Act, with reference to the matters therein respectively contained, and all other the provisions of the same Acts relating to schemes and orders prepared, made, and issued for the purposes thereof, and to modifications and variations therein, shall be continued and extended and shall apply to Her Majesty in council, and to the said Commissioners, and to all schemes and orders to be prepared, made, and issued by them respectively, for the purpose of carrying into effect the foregoing recommendations, as fully and effectually as if the said powers, authorities, and other provisions were repeated herein.

ii. That the number of lords spiritual now sitting and voting as lords of Parliament shall not be increased by the creation of the bishoprick of Manchester; and whenever there shall be a vacancy among the lords spiritual by the avoidance of any one of the sees of Canterbury, York, London, Durham, or Winchester, or of any other see which shall be filled by the translation thereto from any other see of a bishop at that time actually sitting as a lord of Parliament, such vacancy shall be supplied by the issue of a writ of summons to the bishop who shall be elected to the same see; but if such vacancy be caused by avoidance of any other see in England or Wales, such vacancy shall be supplied by the issue of a writ of summons to that bishop of a see in England or Wales who shall not have previously become entitled to such writ; and no bishop who shall be hereafter elected to any see in England or Wales, not being one of the five sees above named, shall be entitled to have a writ of summons, unless in the order and according to the conditions above prescribed.

iii. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. CIX.

AN ACT for the Administration of the Laws for Relief of the Poor in *England*.

(23rd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Appointment of Commissioners.*
2. *Commissioners ex officio.*
3. *When Commissioners shall enter on their office.*
4. *Who shall preside at meetings of the Commissioners.*
5. *Seal of the Commissioners.*
6. *Appointment of secretaries, clerks, &c.*
7. *Who are competent to act in execution of Act.*
8. *Salaries.*
9. *President and one secretary may sit in the House of Commons.*
10. *Transfer of powers and duties of the Poor Law Commissioners.*
11. *Power to summon witnesses.*
12. *Repeal of certain enactments as to the records of the Commissioners.*
13. *Annual report to Her Majesty to be laid before Parliament.*
14. *How rules are to be made.*
15. *Definition of general rules.*
16. *Repeal of part of 4 & 5 Will. 4. c. 76. as to making general rules.*
17. *Disallowance of general rules by the Queen in council.*
18. *Confirmation of existing rules.*
19. *Appointment of inspectors.*
20. *Duties of inspectors.*
21. *Inspectors may summon witnesses.*
22. *Special inquiries.*
23. *Persons, being married, above 60 years of age, not compelled to live apart in workhouses.*
24. *For insuring the due visitation of workhouses.*
25. *For confirmation of the proceedings of boards of guardians.*
26. *Penalties for giving false evidence, or refusing to give evidence.*
27. *Confirmation of proceedings under recited Acts.*
28. *Commission to continue for five years.*
29. *Interpretation of Act.*
30. *Act may be amended, &c.*

By this Act,

After reciting the passing of an Act, 4 & 5 Will. 4. c. 76, and that divers Acts have since been passed for the amendment of the said Act, or otherwise relating to the laws for the relief of the poor in England: And that the administration of the laws for the relief of the poor in England is subject to the direction and controul of the Poor Law Commissioners, whose commission will expire at the end of the Session of Parliament next after the 31st of July in this year, and that it is expedient to make further provision for the administration of the said laws:—

It is Enacted,

I. That it shall be lawful for Her Majesty, by any letters patent, or by any commission or commissions to be issued under the Great Seal of Great Britain, from time to time to nominate, constitute, and appoint during pleasure such person or persons as Her Majesty shall think fit to be and who shall accordingly be and be styled "Commissioners for administering the Laws for Relief of the Poor in England;" and whenever in this Act the word "Commissioners" shall be used without addition it shall be taken to mean the said Commissioners for administering the laws for relief of the poor in England.

II. That the Lord President of the Council, the Lord Privy Seal, Her Majesty's principal Secretary of State for the Home Department, and the Chancellor of the Exchequer for the time being shall be, by virtue of their respective offices, Commissioners for administering the Laws for Relief of the Poor in England, with the person or persons nominated in any such letters patent or commission as aforesaid, and shall have the same powers as if they were expressly nominated in such commission.

III. That notice of the issue of every such commission shall be published in the *London Gazette*; and the Commissioners first appointed under this Act shall enter on their office, and all the powers by this Act vested in them shall take effect, on the day after the first publication of such notice in the *London Gazette*.

IV. That the Commissioner first named in any such letters patent or commission for the time being shall be and be styled the "President;" and whenever in the absence of the president two or more of the Commissioners shall meet for the execution of any powers vested in them by this Act, the Commissioner next in order of nomination in the said commission or

this Act, of those who shall be present, shall for that turn preside; and if the Commissioners present at any meeting shall be equally divided in opinion upon any question before them, the president, or in his absence the Commissioner presiding at that meeting, shall have a second or casting vote.

v. That the Commissioners shall cause a seal to be made for their use, and such seal shall have the same force and effect as the seal of the Poor Law Commissioners now has in England, and documents purporting to be sealed or stamped therewith shall be received in evidence in like manner and with the like effect as documents sealed or stamped with the seal of the Poor Law Commissioners are now received in evidence.

vi. That the Commissioners shall from time to time, by order under their seal, appoint two secretaries, and may, by a like order under their seal, remove any secretary so appointed, and shall also from time to time appoint so many clerks, messengers, and servants as shall be allowed by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury; and all the persons so appointed shall hold their offices during the pleasure of the Commissioners.

vii. That any two of the said Commissioners, or the said president alone, except as hereinafter provided, shall be competent to act in the execution of any powers vested in the Commissioners by this Act; provided that no Act of the Commissioners which is required to be under their seal or which, if done by the Poor Law Commissioners, must have been done under their hands and seal, shall be of any validity unless it shall purport to be signed by at least two of the Commissioners, or by the president, and if signed by the president alone, countersigned by one of the secretaries to the Commissioners; and during any vacancy among the Commissioners, the surviving or continuing Commissioners or Commissioner may continue to act with the same powers and in the same manner respectively as before such vacancy.

viii. That there shall be paid to the president and to the said secretaries, clerks, messengers, and servants, such salaries as shall be from time to time regulated by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, but no Commissioner, other than the said president, shall be entitled to have any salary or remuneration for acting in the execution of this Act.

ix. That the office of president shall not be deemed such an office as shall render the person holding such office incapable of being elected, or of sitting or voting as a member of the Commons House of Parliament, or as shall avoid his election if returned, or render him liable to any penalty for sitting or voting in Parliament; and that one only of the said secretaries shall at the same time be capable of sitting and voting in the Commons House of Parliament.

x. That on the day on which the Commissioners first appointed under this Act shall enter on their office, all the powers and duties of the Poor Law Commissioners with respect to the administration or controul of the administration of relief to the poor throughout England, and all other powers and duties now vested in them, shall be transferred to and vested in the Commissioners, and shall be thenceforth exercised by them, and by the Commissioners appointed from time to time in and by any new commission or letters patent under the provisions of this Act, and all provisions in any Act relating to the administration of relief to the poor in England, or to the powers or duties of the Poor Law Commissioners, shall be construed as if in the said several Acts the Commissioners had been named instead of the Poor Law Commissioners, subject nevertheless to any amendments made by this Act, either as to the substance or manner of exercising any of the powers of the said Poor Law Commissioners; and at the same time all powers and authorities vested by any Act in the Poor Law Commissioners appointed under the first-recited Act, or any Act passed for the amendment thereof, shall cease, and all secretaries, assistant secretaries, clerks, messengers, and officers appointed and employed by the said Poor Law Commissioners in the business of their office shall cease to hold their several offices and employments.

xi. That the Commissioners, by summons under their seal, may require the attendance of all persons upon any matter connected with the execution of any of the powers by law vested in them at such time and place as shall be set forth in the summons, and may make inquiry and require returns, and require and enforce the production upon oath of books, contracts, agreements, accounts, maps, plans, surveys, valuations, and writings, or copies thereof respectively, in anywise relating to any such matter, and the Commissioners or any one of them may upon such matters administer oaths, and examine upon oath all persons so brought before them or him, and, when they or he shall think fit, instead of requiring such oath as aforesaid, may require any such person to make and subscribe a declaration of the truth of the matters respecting which he shall have been or shall be so examined: Provided always, that no person shall be required, in obedience to any such order, to go more than ten miles from the place of his abode: Provided also, that nothing herein contained shall empower the Commissioners to require the production of the title, or of any paper or deed relating to the title of any lands, tenements, or hereditaments, not being the property of any parish or union.

xii. That so much of the said Act, 4 & 5 Will. 4. c. 76, or of an Act, 5 & 6 Vict. c. 57, intituled 'An Act to continue until the Thirty-first Day of July One thousand eight hundred and forty-seven, and to the End of the then next Session of Parliament, the Poor Law Commission, and for the further Amendment of the Laws relating to the Poor in England,' or of any other Act as would require any minute of the opinion of each of the Commissioners to be made in the record of their proceedings in cases of final difference of opinion upon any order or proceeding, or as would require any record or general report of the proceedings of the Commissioners to be submitted to one of Her Majesty's principal Secretaries of State, shall be repealed.

xiii. That the Commissioners shall once in every year submit to Her Majesty a general report of their proceedings, and every such general report shall be laid before both Houses of Parliament within six weeks after the date thereof if Parliament be then sitting, or if Parliament be not then sitting, within six weeks after the next meeting of Parliament.

xiv. That from and after the day on which the Commissioners first appointed under this Act shall enter on their office the power vested in the Poor Law Commissioners to make rules, orders, and regulations, and from time to time to vary or rescind the same, shall be vested in the Commissioners constituted under this Act, to be exercised by them in the manner hereinafter specified, and the Commissioners shall make all such rules, orders, and regulations under their seal, except such as are intended

only for their own guidance or procedure, or for the guidance or procedure of any persons appointed or employed by them for the business of their office, and shall make all general rules under their seal, and under the hands of three or more of the Commissioners, of whom the president shall be one.

xv. That every rule, order, or regulation of the Commissioners which at the time of issuing the same shall be directed to and affect more than one union, shall be deemed a general rule, and every rule, order, and regulation made to vary or rescind a general rule, whether it be directed to or affect one or more than one union, shall also be deemed a general rule.

xvi. That from and after the day on which the Commissioners first appointed under this Act shall enter on their office so much of the said Act, 4 & 5 Will. 4. c. 76, as relates to the making of general rules by the Poor Law Commissioners, or to the time or manner when or how any such general rule shall operate or take effect, or to the disallowance of any such general rule, or any part thereof, shall be repealed.

xvii. That if Her Majesty shall be pleased at any time, by the advice of her Privy Council, to disallow any such general rule, or any part thereof, the same, so far as it shall have been so disallowed, shall cease to be of any force or validity, except as to all things lawfully done under the same before such disallowance, which shall be and continue to be valid.

xviii. Provided, and it is declared and enacted, That all lawful rules, orders, and regulations of the Poor Law Commissioners made before the day on which the Commissioners first appointed under this Act shall enter on their office shall continue in full force and effect until rescinded or varied under the authority of this Act.

xix. That the Commissioners shall from time to time, by order under their seal, appoint so many fit persons as shall be allowed by the Lord High Treasurer or Commissioners of Her Majesty's Treasury, to be inspectors, to assist in the execution of this Act and of other Acts now or which shall be hereafter in force for the relief of the poor in England, and may from time to time assign to the inspectors so appointed, or any of them, such duties in the execution of this Act as they think fit; and the Commissioners, by order under their seal, may remove all or any of the said inspectors, and appoint others in their stead; and there shall be paid to every such inspector such salary as shall be from time to time regulated by the Lord High Treasurer or the Commissioners of Her Majesty's Treasury.

xx. That the said inspectors, and each of them, shall be entitled to visit and inspect every workhouse or place wherein any poor person in receipt of relief shall be lodged, and to attend every board of guardians and every parochial and other local meeting held for the relief of the poor, and to take part in the proceedings, but not to vote at such board or meeting.

xxi. That the said inspectors may summon before them such persons as they may think necessary for the purpose of being examined before them upon any matter concerning the administration of the laws relating to the relief of the poor, or any other matter placed by law under the controul or regulation of the Commissioners, or for the purpose of producing and verifying upon oath any books, contracts, agreements, accounts, writings, or copies of the same, in anywise relating to such matter, and not relating to or involving any question of title to any lands, tenements, or hereditaments, not being the property of any parish or union, and may examine any person whom they shall so summon, or who shall voluntarily come before them to be examined upon any such matter upon oath, which each of the said inspectors shall be empowered to administer, or instead of administering an oath, the inspector may require the party examined to make and subscribe a declaration of the truth of the matter respecting which he shall have been or shall be so examined; and all summonses made by any such inspector for any such purpose as aforesaid shall be obeyed by all persons as if such summons had been the summons and order of the Commissioners, and the non-observance thereof shall be punishable in like manner; and that the costs and expenses of such person so summoned shall be paid in such cases and in such manner as the costs and expenses of persons summoned under the authority of the first-recited Act are now payable: Provided always, that no person shall be required in obedience to any such summons to go or travel more than ten miles from his place of abode.

xxii. That so much of the said Act, 5 & 6 Vict. c. 57, as relates to the appointment of any assistant Commissioner or of any person for the purpose of conducting any special inquiry as an assistant Commissioner shall be repealed; and that, whenever it may seem fitting to the Commissioners, they, with the consent of the Lord High Treasurer or the Commissioners of Her Majesty's Treasury for the time being, may appoint some fit person to act as an inspector for the purpose of conducting any special inquiry for a period not exceeding thirty days, and the said Commissioners may delegate to every person so appointed for the purpose of conducting such inquiry all such of the powers of the said Commissioners as they may think necessary or expedient for summoning witnesses and conducting such inquiry.

xxiii. Provided and enacted, That when any two persons, being husband and wife, both of whom shall be above the age of sixty years, shall be received into any workhouse, in pursuance of the provisions of the said recited Act or of this Act, or of any rule, order, or regulation of the Commissioners appointed by authority of this Act, such two persons shall not be compelled to live separate and apart from each other in such workhouse.

xxiv. That in all cases where boards of guardians neglect to appoint a visiting committee for the purpose of visiting the workhouse of the union, or when three months shall have elapsed during which such committee shall have neglected to visit such workhouse, the Poor Law Commissioners shall be required to appoint a visitor, not being one of the guardians, at a salary to be fixed by them, to be paid out of the general fund of the union: Provided always, that the appointment of any such paid visitor shall cease at the expiration of three calendar months next after the appointment of any visiting committee by the guardians, subject nevertheless to his reappointment in case of any repetition of such neglect of the guardians or visiting committee as aforesaid.

xxv. That in any civil or criminal proceeding it shall not be necessary to prove the sending of the original order of the Poor Law Commissioners, or of the Commissioners constituting any board of guardians, in any case in which any persons professing to form a board in obedience to such order shall have taken upon themselves to act, and shall have continued for three years to act, in the execution of the laws for the relief of the poor; and in no proceeding shall it be lawful to question the qualification or

validity of the election of any person as a guardian after the end of twelve months next following the election, or the time when the alleged disqualification or want of qualification of the person against whom such proceeding shall be directed shall have arisen.

XXVI. And it is declared and enacted, That every person who upon any examination under the authority of this Act shall wilfully give false evidence, or wilfully make or subscribe a false declaration, shall, on being convicted thereof, suffer the pains and penalties of perjury; and every person who shall refuse or wilfully neglect to attend in obedience to any summons of the Commissioners, or any inspector, or to give evidence, or who shall wilfully alter, suppress, conceal, destroy, or refuse to produce any books, contracts, agreements, accounts, maps, plans, surveys, valuations, or writings, or copies of the same, which may be required to be produced for the purposes of this Act, to any person authorized by this Act to require the production thereof, shall be deemed guilty of a misdemeanour.

XXVII. That, save when varied or repealed by this Act, and subject to the provisions herein contained, all the powers and provisions of the recited Acts and of all other Acts relating to the relief of the poor in England, and everything lawfully done under the same, or in pursuance thereof, and all lawful acts and proceedings of the Poor Law Commissioners, and their assistant Commissioners, and any officers acting under them, or in virtue of the said Acts, or any of them, or under their authority, or by any other person acting in the administration of the laws for the relief of the poor in England, on or before the day when the Commissioners first appointed under this Act shall enter on their office, shall be as valid as if this Act had not been passed; and every suit or other proceeding civil or criminal, begun before the last-mentioned day, in the name and under the authority of the Poor Law Commissioners, shall have the same force and effect, if continued in their names under the sanction of the Commissioners, as if the Poor Law Commissioners had continued to act in execution of the said Acts of Parliament; and nothing herein contained shall in any way take away or interfere with any right of action or of defence to the same, or any liability to be sued or prosecuted for any penalty, for or against any person under the said Acts, or any of them, according to the respective provisions thereof, which shall have accrued wholly or in part before the last-mentioned day.

XXVIII. Provided and enacted, That no Commissioner constituted under this Act, nor any inspector, secretary, or other officer or person to be appointed and employed by the Commissioners in the business of their office under this Act, shall continue to hold his respective office under this Act, or exercise any of the powers given by this Act, for a longer period than five years next after the day of the passing of this Act, and thenceforth until the end of the then next session of Parliament; and from and after the expiration of the said period of five years, and of the then next session of Parliament, so much of this Act as enables Her Majesty to appoint any Commissioner shall cease to operate or to have any effect whatever.

XXIX. That this Act shall be construed in the same manner as the Act, 4 & 5 Will. 4. c. 76, and 5 & 6 Vict. c. 57, and the several Acts passed for the amendment of the said Acts or either of them, and as one Act with the same, and with the Acts and provisions thereby directed to be construed as one Act, unless where otherwise directed by this Act.

XXX. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. CX.

AN ACT to amend the Laws relating to the Removal of the Poor, until the First Day of October One thousand eight hundred and forty-eight.

(23rd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Expenditure incurred by any parish, &c. for maintenance, &c. of persons who are or may be by the above-recited enactment exempted from liability, to be charged to the Union.*
2. *Continuance of Act.*
3. *Act may be amended, &c.*

By this Act,

After reciting that by an Act 9 & 10 Vict. c. 66, it was, amongst other things, enacted as follows, "that from and after the passing of this Act no person shall be removed, nor shall any warrant be granted for the removal of any person, from any parish in which such person shall have resided for five years next before the application for the warrant: Provided always, that the time during which such person shall be a prisoner in a prison, or shall be serving Her Majesty as a soldier, marine, or sailor, or reside as an in-pensioner in Greenwich or Chelsea Hospitals, or shall be confined in a lunatic asylum or house duly licensed or hospital registered for the reception of lunatics, or as a patient in a hospital, or during which any such person shall receive relief from any parish, or shall be wholly or in part maintained by any rate or subscription raised in a parish in which such person does not reside, not being a *bond fide* charitable gift, shall for all purposes be excluded in the computation of time hereinbefore mentioned, and that the removal of a pauper lunatic to a lunatic asylum under the provisions of any Act relating to the maintenance and care of pauper lunatics shall not be deemed a removal within the meaning of this Act: Provided always, that whenever any person shall have a wife or children having no other settlement than his or her own, such wife and children shall be removable

when he or she is removable, and shall not be removable when he or she is not removable:” And that the effect of the above recited enactment has been to increase unduly the amount of expenditure for the relief of the poor in particular parishes :—

It is Enacted,

I. That all the expenditure which shall be incurred by any parish, township, or place forming part of a union for the maintenance, relief, or burial of any person or persons who shall have been at any time within one year before the passing of the above-recited enactment in the receipt of relief from some other parish, township, or place, by right of settlement or reputed settlement therein, and who by the above-recited enactment are or may be exempted from the liability of being removed from the parish, township, or place in which such person or persons shall be residing, shall from and after the passing of this Act, so long as such person or persons shall continue to be so exempted, be charged to the common or general fund of such union in the same manner as the cost of building or providing workhouses in unions and other union expenses are directed to be charged by an Act, 4 & 5 Will. 4. c. 76, intituled ‘An Act for the Amendment and better Administration of the Laws relating to the Poor in England and Wales.’

II. That this Act shall continue in force until the 1st of October 1848.

III. That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

CAP. CXI.

AN ACT to extend the Provisions of the Act for the Inclosure and Improvement of Commons.

(23rd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. *Where the title to a manor, &c. is litigated, the consent of both claimants to be equivalent to consent of an actual owner.*
2. *Provision for the case of more than one person claiming to be interested.*
3. *Saving rights of the Crown and others to the soil of encroachments.*
4. *Exchanges may be made of land, excepting or reserving minerals and easements.*
5. *Recital of provision as to Commissioners not proceeding to amend any award under any local Act, &c. until notice of application shall have been given by advertisement, &c.—Recited provision repealed, and if Commissioners think fit to proceed on any application, they may refer the same to an Assistant Commissioner, &c.*
6. *Lands taken in exchange, &c. in respect of copyhold or customary lands shall be held to be copyhold, and shall be held of the same lord, &c.*
7. *Meetings may be adjourned without the attendance of Commissioner or assistant Commissioner.*
8. *Notices may be given by the secretary of the Commissioners, or other person appointed for that purpose.*
9. *Recited Act deemed part of this Act.*
10. *Act may be amended, &c.*

By this Act,

After reciting the passing of an Act, 8 & 9 Vict. c. 118; and that it is expedient further to facilitate proceedings under the said recited Act in the cases hereinafter mentioned :—

It is Enacted,

I. That where an action, suit, or difference shall be pending concerning the title to any manor, land, or right, or to an estate or interest therein, of which the actual owner would, under the definitions of the said Act, be (in respect of such manor, land, or right,) the person interested in land concerning which any application or proceeding may be made or be pending under the said Act, the consent of both the persons between whom such action, suit, or difference may be pending to any application, inclosure, or other proceeding under the said Act, shall be as effectual as the consent of the actual owner of the manor, land, or right, or of such estate or interest therein, would have been in case no action, suit, or difference had been pending.

II. Provided and enacted, That where, according to the claim of a party to such action, suit, or difference, more than one person would be or become interested as aforesaid in respect of such manor, land, or right, such consent of such number or portion, or (as the case may require) such non-signification of dissent by such number or portion of the persons who would so become interested, to the application, inclosure, or other proceeding as would have been sufficient in case such claim had been established shall be equivalent to the consent of the party so claiming under the provisions of this Act.

III. That where any lands shall have been inclosed, by way of encroachment or otherwise, from any land subject to be inclosed under the said recited Act, for more than twenty years next preceding the day of the first meeting for the examination of claims in the matter of an inclosure under the provisions of the said Act, and shall not, with such consent as in the said Act provided, be directed by the valuer to be considered as allotable, and parcel of the land to be inclosed, neither the award, in the inclosure under the provisions of the said Act, nor any consents or orders previous thereto, shall be taken to divest, defeat, or

prejudice any property, estate, right, or title of Her Majesty or of any other person in or to the lands so inclosed for twenty years or upwards as aforesaid, or the minerals or substra under the same, or in or to any rent or payment payable in respect thereof (except only any rights of common intended to be extinguished by the inclosure under the provisions of the said Act).

iv. That where an exchange shall be made under the said Act of lands not subject to be inclosed under such Act, or of lands subject to be so inclosed as to which no proceedings for an inclosure shall be pending, it shall and may be lawful for the Commissioners, in conformity with the terms of the application for such exchange, to except or reserve out of such exchange the property or right of or to all or any of the mines or minerals under all or any part of the land given by both or either of the parties, together with rights and easements for or auxiliary to the exercise or enjoyment of the right or property of such excepted or reserved mines and minerals, and (whether such mines and minerals shall or shall not be reserved) such rights of way and other easements as the parties to such application may have agreed on.

And after reciting that by the said recited Act, 8 & 9 Vict. c. 118, it is provided, that the Commissioners shall not in any case proceed to amend any award under any local Act of inclosure, or under the Act, 7 Will. 4, for facilitating the inclosure of open and arable fields in England and Wales, or to authorize the execution of any power or authority under any such local Act which shall have been lost or have become incapable of being executed, as therein mentioned, or to authorize any person to be by them appointed as therein mentioned to execute the powers or authorities of any local Act, in the place of the Commissioner or Commissioners appointed under such local Act, until notice of the application shall have been given by advertisement as therein mentioned; and that in case, within two calendar months from the publication of the last of the advertisements, one fourth part in number or value of the persons interested, according to the definitions thereinbefore contained, in the land to which the award so proposed to be amended, or the part thereof proposed to be amended, should relate, or in the land to be affected by the exercise of such powers or authorities, should give notice in writing to the Commissioners of their dissent from such application, the Commissioners shall not proceed further on such application:—

It is Enacted,

v. That the said recited provision be repealed; and that in case the Commissioners shall think fit to proceed on any such application as aforesaid the Commissioners shall refer such application to an assistant Commissioner, and such assistant Commissioner shall hold such meeting or meetings to hear any objections which may be made to such application, and any information or evidence which may be offered in relation thereto, or to the matter thereof, and shall report his opinion as to the expediency or in expediency of proceeding upon such application, having regard to all rights which may be disturbed or affected thereby, in such and the same manner, and subject to such and the same provisions concerning notices of such meetings, as are in the said Act, 8 & 9 Vict. c. 118, contained concerning inquiries as to the expediency or in expediency of a proposed inclosure; and upon the report of such assistant Commissioner it shall be lawful for the Commissioners to proceed or to abstain from proceeding further on such application, as they may think fit; and it shall be lawful for the Commissioners (where they shall so think fit) to cause such further meetings to be held, and inquiries made in relation to such application, or to the report thereupon, as might have been held or made in the matter of a proposed inclosure, and to give such directions in relation to the matter of such application, or to the execution of the powers or authorities thereby proposed to be revived or executed, as the circumstances of each case shall appear to them to require.

vi. And after reciting that it is provided by the said Act that any land taken in exchange or on partition or allotted in respect of copyhold or customary land shall be deemed copyhold or customary land, and shall be held of the lord of the same manor under the same rent and by the same customs and services as the copyhold or customary land in respect of which it may have been taken in exchange or on partition or allotted was or ought to have been held, and shall pass in like manner as the copyhold or customary land in respect whereof such exchanges, partitions, or allotments shall be made: And that it is expedient to enable the parties so taking such lands in exchange or on partition or as allotments to hold the same of freehold tenure:—

It is Enacted,

vi. That by and with the consent of the lord of the manor, and of the parties so taking such lands in exchange or on partition or as allotments, it shall and may be lawful for the said Commissioners to declare that the same shall be held as of freehold tenure, on such terms and conditions as may be agreed upon between the parties, and as may be deemed just by the said Commissioners, and the same land shall be held as freehold accordingly.

vii. That where notice shall have been given of any meeting, whether original or by adjournment, to be held by the Commissioners or by an assistant Commissioner, or otherwise, it shall be lawful for the Commissioners or an assistant Commissioner by notice to adjourn such meeting, without any Commissioner or assistant Commissioner giving attendance for the purpose of making such adjournment; and where notice shall have been given of a meeting by a valuer, it shall be lawful for him by notice to adjourn such meeting, without giving attendance for the purpose of making such adjournment.

viii. That all notices by the said Act 8 & 9 Vict. c. 118, or by any Act amending the same or referring thereto, or by this Act, directed or authorized to be given by the Commissioners and assistant Commissioners respectively, may be given by the secretary of the Commissioners, or by any person whom the Commissioners or any assistant Commissioner, in conformity with the power delegated to him by the Commissioners, may appoint or authorize for that purpose.

ix. That this Act shall be taken to be a part of the said recited Act, 8 & 9 Vict. c. 118, and be construed therewith, and with any Act amending the same or referring thereto.

x. That this Act may be amended or repealed by any Act to be passed in this session.

CAP. CXII.

AN ACT to promote Colonization in *New Zealand*, and to authorize a Loan to the *New Zealand Company*.

(23rd July 1847.)

This Act contains the following clauses:—

- I. Suspension of certain of the royal instructions as to the settlement of waste lands in *New Munster*.
- II. The demesne lands of the Crown in the *New Munster* vested in *New Zealand Company* in trust for the purposes herein contained.
- III. Minimum price for sale of lands.
- IV. Power to company to grant lands for public purposes.
- V. Ten shillings per acre of the monies arising from sale of lands to be applied to emigration purposes.
- VI. As to application of residue of produce of sales.
- VII. Secretary of State may, during suspension of instructions, nominate a special Commissioner.—Salary of special Commissioner.
- VIII. During suspension of instructions Commissioner entitled to be present at all meetings of directors, and to have access to all books, &c.
- IX. Powers of the Commissioner over the proceedings of the company.
- X. Deeds and resolutions to be deemed valid until disproved.
- XI. Custody of the seal of the company.
- XII. No dividend to be payable without the consent of Commissioner.
- XIII. For exercise of functions of special Commissioner during illness or necessary absence.
- XIV. Authorizing absolute grants to the company and other corporate bodies for the purposes of their incorporation.
- XV. Power to Treasury to advance the sum of 136,000*l.* in three payments, in addition to the sum of 100,000*l.* authorized to be advanced under 9 & 10 Vict. ca. 42. & 82.
- XVI. For securing repayment of loans and advances.
- XVII. Company may dispose of lands, although mortgaged.
- XVIII. Monies repaid to be carried to the credit of the Consolidated Fund.
- XIX. For enabling the *New Zealand Company* to relinquish their undertaking, if they think fit.
- XX. Upon reversion of the lands belonging to the company all claim to either of the said loans to be remitted.—A certain sum to be paid to the company out of the proceeds of future sales, with interest.
- XXI. Who may give discharges.
- XXII. Nothing to invalidate colonial ordinances duly made.
- XXIII. Nothing to affect existing contracts for sale.
- XXIV. Act may be amended, &c.

CAP. CXIII.

AN ACT to facilitate the Drainage of Lands in *Scotland*.

(23rd July 1847.)

ABSTRACT OF THE ENACTMENTS.

1. Persons desirous of draining land may apply to the sheriff for authority to effect the same.—Map or plan to be annexed to such application; also an estimate of the expense, and a statement of the actual condition of the lands.—Copies of application, map, &c. to be deposited, and to be open to inspection.
2. 8 & 9 Vict. c. 19. with respect to service of notices on owners, &c. incorporated with this Act.—Objections to be sent to the sheriff in writing.
3. The sheriff, before he proceeds to act may require security for payment of expenses.
4. Where objections to anything proposed to be done have been sent to the sheriff, he shall appoint a qualified person to inspect the lands, &c.
5. If, after inquiry, the sheriff thinks that the benefit derived from drainage outweighs the damage, he may authorize the execution of the works.

6. *Sheriff may award costs in certain cases.*
7. *If no objections lodged, sheriff may authorize works to be executed under superintendence.*
8. *Persons authorized to execute works may enter upon lands specified in sheriff's order, not being a park, &c.—Nothing to supersede the present law as to cleansing streams, &c.*
9. *Obstructions on rivers, &c. may be removed by order of sheriff.*
10. *For the protection of fisheries, mills, and houses.*
11. *Ornamental waters not to be affected.*
12. *No entry to be made on lands until compensation is agreed upon.*
13. *So much of 8 & 9 Vict. c. 19, as to compensation, &c., incorporated with this Act.*
14. *Power to sheriff, on application, to give authority to enter upon lands for the purpose of upholding works.*
15. *Copies of orders of sheriff authorizing works to be executed, to be made and deposited, and be open to inspection.*
16. *Navigable rivers and canals not to be altered, &c. without consent of the Admiralty.*
17. *Definition of terms in this Act.*
18. *Act may be amended, &c.*

By this Act,

After reciting the passing of an Act, 9 & 10 Vict. c. 101, and 10 & 11 Vict. c. 11, and that it is expedient to render the provisions of the said recited Acts more operative and effectual, and to facilitate and promote the drainage of lands in Scotland by making provision for the improvement of outfalls:—

It is Enacted,

1. That where any land shall be capable of being drained or improved by drainage, by means of works to be executed on the same and other lands for obtaining or improving the outfall or otherwise, it shall be lawful for any persons interested in the lands so capable of being drained or improved, and who shall be desirous for that purpose to execute all or any of the works hereinafter mentioned, and shall be unable to execute such works by reason of the objection, absence, or disability of any person whose land, property, or rights would be entered upon, cut through, interfered with, or affected by or for the purpose of such works, to make application to the sheriff of the county within which the lands, property, or rights so to entered upon, cut through, interfered with, or affected are situated, or, in the event of such lands, property, or rights being situated in more counties than one, to the sheriff of that county in which the portion of such lands, property, or rights most contiguous to the lands to be drained and improved shall be situated, shewing the means by which such drainage or improvement may be effected, and praying for authority to effect the same, under the provisions of this Act; and to such application shall be annexed a map or plan, shewing the land to which such application shall relate, and the land and property required to be entered upon, cut through, or interfered with for the purposes of such drainage or improvement, or likely to be affected by the proposed works, and also the rivers, watercourses, ditches, and drains intended to be cleared, scoured, deepened, or embanked, and the proposed variations, divisions, abridgments, or enlargements of the same, and the new cuts, embankments, drains, watercourses, and other works proposed to be made, and the dams, sluices, weirs, or floodgates to be lowered, altered, or removed, and the engines and machinery proposed to be erected for the purposes of such drainage or improvement, and also schedules shewing the reputed proprietors, lessees, and occupiers of the lands proposed to be drained and improved, and the lands and property required to be entered upon, cut through, or interfered with respectively for the purposes of such drainage or improvement, and also an estimate of the expense of the proposed works, engines, and machinery including the probable amount of money payable as purchase and compensation money in respect of the land and property or rights required to be entered upon, cut through, interfered with, or affected, and also a statement of the actual condition of the lands proposed to be drained or improved, and of the probable increased value of the land consequent upon the execution of the proposed works; or, in case it shall appear to the sheriff that a correct judgment can be formed on the proposed means of drainage or improvement without a map or plan and estimates, including the whole of the land to which such application shall relate, then a map or plan shewing only the proposed works, or such other map or plan as the sheriff shall think necessary; and the persons by whom such application shall be made shall, upon the request of the sheriff, furnish such further details in respect of the said map or plan, schedules, estimates, and statements, or any of them, as the sheriff shall think fit for his guidance in the matter of the application; and the persons by whom such application shall be made shall cause copies of the said application, map or plan, schedules, estimates, and statements, or of such of them as shall have been furnished to the sheriff under the provisions hereinbefore contained, to be deposited in such convenient place or places as the sheriff shall approve, within or adjoining to the parish or one of the parishes in which the land to which such application shall relate shall be situate, there to remain open for public inspection for a period of two months; and the deposit of such copies shall be certified to the sheriff in such manner as he shall require; and all persons shall be at liberty to inspect and make copies of or extracts from the said application, map or plan, schedules, estimates, and statement, or any of them, and copies thereof or extracts therefrom shall be made by such person as the sheriff shall direct for any person who shall require the same, on payment of the expenses of making such copies or extracts.

11. That the clauses of the Lands Clauses Consolidation (Scotland) Act, 1845, with respect to the service of notices on owners and occupiers of land, shall be incorporated with this Act, and that notice, as therein provided for, shall be given of such application having been presented, and of the parishes in which works are by such application proposed to be executed, and of the places in which copies of the said application, map, or plan, schedules, estimates, and statements have been deposited as aforesaid; and by such notice all parties interested, or in any way affected by the proposed works, shall be required, on or before a day to be therein named, not sooner than six weeks and not later than eight weeks from such publication and service as aforesaid of such notice, to transmit in writing to the sheriff all objections which such parties shall think fit to make with respect to anything by the said application proposed to be done under the provisions of this Act.

III. That the sheriff may in every case, before he shall proceed to act or inquire on or in relation to any such application as aforesaid, require such provision or security to be made or given as he shall think fit, for the payment, by the parties making the application, of all expenses incident to or to be occasioned by the inquiries and proceedings in relation thereto.

IV. That in every case in which there shall have been transmitted to the sheriff objections to anything by the said application proposed to be done, the sheriff shall appoint a properly qualified person to inspect the lands proposed to be drained or improved, and the lands, property, or rights intended to be entered upon, cut through, interfered with, or affected by the works in such application mentioned, and to report to him the comparative amount of benefit to be derived and damage to be done thereby, and whether in his opinion the lands proposed to be drained might be drained in any other way than by the works in such application mentioned, and the comparative advantages and disadvantages of such several ways of drainage; and the sheriff shall, if he shall think necessary, require the parties interested in such lands, property, and rights, or likely to be affected by any of the works proposed to be executed for such drainage or improvement, to attend him, or the person so to be appointed by him, at such time as he shall fix subsequent to the expiration of such period of six weeks, and at such convenient place or places within the parish or one of the parishes wherein such land so to be drained or improved shall be situate, or in the vicinity thereof, as the said sheriff shall specify in a notice to be given twenty-one days at the least before the time of such meeting, by advertisement in one or more newspapers circulated in the county in which such works are proposed to be executed; and at the time and place named in such notice as aforesaid the sheriff, or the person so appointed by him as aforesaid, shall attend, and shall have power to adjourn any meeting from time to time, or hold any new meeting as he may find necessary, and shall inquire into the correctness of the schedules containing the names of such reputed proprietors, lessees, and occupiers as aforesaid, and shall inquire whether the notices by the Act required shall have been duly given and served, and shall hear and inquire into all such objections as shall have been or shall be then and there made by any person or persons interested in any land likely to be affected by anything by such application proposed to be done; and the said sheriff or person appointed by him as aforesaid, shall receive and hear all such evidence as may be offered to him in relation to the several matters aforesaid.

V. That if after such inquiry shall have been concluded the sheriff shall be of opinion that the benefit to be derived from such drainage or improvement outweighs the damage to be done thereby, and the proposed method of drainage is in the whole circumstances the best, and that such drainage or improvement may be affected without material detriment to the lands, property, or rights proposed to be entered upon, cut through, interfered with, or affected, and that the damage to the lands, property, or rights so proposed to be entered upon, cut through, interfered with, or affected may be adequately and effectually compensated under the provisions of this Act, he may allow such works, according to the proposal in such application contained, or with such alterations therein as he may think fit; and it shall be lawful for him to authorize the persons by whom such application shall have been made, or any of them, or any other person or persons to be named or described by him in an order to be issued by him, to execute the proposed works, as the same shall have been enallowed as aforesaid, within a time to be limited in such order; and such order shall specify or describe directly, or by reference to a plan thereunto annexed, the works thereby authorized to be executed; and the person or persons authorized in this behalf by such order, or the person or persons who shall be authorized by any supplementary order of the sheriff, shall have full power to execute the works in such order specified and authorized, according to the terms and intent of such order, and to maintain such works for ever thereafter, subject nevertheless to the provisions hereinafter contained, and making compensation, to be ascertained in manner hereinafter mentioned, to all persons, for any damage occasioned to them by the exercise of the powers granted by such order, or any of them: Provided always, that no such order shall be made for allowing any works to be executed in any park, policy, garden, pleasure garden, or planted walk, or the avenue to any mansion house, without the consent in writing of the proprietor and occupier thereof, and that every such order of the sheriff shall be subject to review by the Court of Session according to the ordinary forms of law.

VI. That in the case of objections lodged before the sheriff the expenses attending the proceedings which may take place in consequence of such objections shall be borne by the persons by whom the application is made, unless the sheriff shall decide that any objection is frivolous and vexatious, in which case it shall be in the power of the sheriff to award such part of the expenses as he shall think just to be paid by the objector.

VII. Provided and enacted, That if no objections shall be lodged as aforesaid the sheriff shall, if he shall think fit, authorize the works so applied for, or so much thereof as he shall think fit, to be executed according to the plan or description lodged with such application, or with and under such modifications and alterations as shall appear to him to be proper, under the inspection and superintendence of a competent person, to be appointed by him, and subject to the restrictions and exceptions hereinbefore contained.

VIII. That it shall be lawful for any person authorized by the sheriff as aforesaid to enter in and upon any land specified in the order of the sheriff, not being a park, policy, garden, pleasure ground, or planted walk, or the avenue to any mansion house, and in terms of such order, but not otherwise, to widen, straighten, deepen, divert, scour, or cleanse any river, stream, ditch, drain, brook, pool, or watercourse, and to make, open, and cut any new watercourse, side cut, ditch or drain, and to make or erect any bank, dam, weir, sluice, flood gate, ditch, drain, tunnel, or other works necessary or convenient for drainage: Provided always, that nothing herein contained shall interfere with or be held to supersede the present law authorizing and regulating the cleaning, scouring, and maintaining of streams and watercourses throughout their whole length by the different proprietors thereon, according to their respective rights and interests therein, and for recovering the expenses thereby incurred.

IX. That where the drainage outfall of any lands is prevented or obstructed by the damming up of any river or stream by any weir, dam, sluice, or other obstruction, it shall be lawful for any person authorized by the sheriff as aforesaid, and in terms of his order, but not otherwise, to enter in and upon the lands where such weir, dam, sluice, or other obstruction is situated, except as hereinbefore excepted, and to remove, alter, lower, or otherwise interfere with the same, or with the watercourses connected therewith, as shall be necessary or convenient for the purposes of the outfall: Provided always, that where such weir, dam, sluice, or other obstruction is for the use of any factory or bleachwork, or of any mill, it shall not be lawful to diminish the actual working water power of such factory or bleachwork, or of such mill, without the consent of the proprietor or occupier thereof, until a steam-engine, or other engine or machinery of equal power, shall have been erected for the use of such factory.

bleachwork, or mill, and full compensation paid to the proprietor and occupier thereof for the difference in the expense of using and maintaining such steam power, or other power or machinery, as compared with the expense of the water power theretofore enjoyed by them respectively.

x. Provided and enacted, That nothing herein contained shall authorize the removal of any obstruction in any river or stream so as to occasion injury to any salmon fishery, and that in all cases where it shall be necessary to remove any obstruction required for the supply of water to any mill, the proprietor of such mill shall be entitled to require of the person making the application as aforesaid to purchase such mill, and make full compensation therefor in the manner directed by this and the said Lands Clauses Consolidation (Scotland) Act, 1845, or such proprietor may determine that the diminished supply of water power shall be compensated as hereinbefore provided; and in such case he shall be entitled to decide whether such compensation shall be effected by steam power or by other machinery or power; and no steam-engine shall be erected in or upon the bank of any river or stream in any situation in which the same shall be a nuisance or shall injure the amenity of any dwelling house, without the consent in writing of the proprietor of such river or stream and of the owner and occupier of such dwelling house first had and obtained thereto.

xi. That no order of the sheriff under this Act shall authorize any work whereby any spring, brook, or stream supplying any mansion, house, or offices with water, or contributing to the amenity or ornament of any mansion, house, park, policy, garden, or pleasure ground, shall be diverted or affected, without the consent in writing of the several proprietors thereof.

xii. That no entry shall be made on any land for the purpose of executing any of the works authorized as aforesaid, except with the consent in writing of the proprietors thereof, until the amount of compensation for the damage to be occasioned by such entry, and by the execution and maintenance of the works authorized as aforesaid, shall have been agreed upon or ascertained, as the case may be, and paid, under the provisions hereinafter contained.

xiii. That the compensation to be paid for the damage or injury to any lands, property, or rights which may be entered upon, cut through, interfered with, or affected under any such order of the sheriff as aforesaid, may be agreed upon with the persons and in the manner provided by "The Lands Clauses Consolidation (Scotland) Act, 1845," with respect to the purchase of land otherwise than by agreement; and all the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," in so far as the same are not inconsistent with this Act, shall be incorporated with this Act, and shall apply thereto, and to the works and purchases to be authorized by the sheriff, in such and the same manner as if the works and purchases which shall be authorized by the sheriff had been set forth and authorized to be executed and made by this Act; and the persons making the application to the sheriff shall be deemed the promoters of the undertaking: Provided always, that in estimating the amount of any compensation to be paid as aforesaid it shall be lawful to take into account the benefit which, in consequence of the operations authorized to be executed, may accrue to the party claiming compensation, or to the lands, property, or rights proposed to be interfered with or affected.

xiv. That for the purpose of maintaining, repairing, and upholding in an efficient state any works authorized to be executed under the authority of this Act it shall be lawful for the sheriff, on the application of any person interested, to give authority to enter from time to time upon the lands where such works have been executed, and to perform such operations as may be necessary for maintaining, repairing, and upholding as aforesaid; and it shall be lawful for the sheriff to allocate the expense of such operations among the persons deriving benefit therefrom in such proportions as to him shall seem just.

xv. That two copies of every order of the sheriff by which he shall authorize the execution of works under the provisions of this Act shall be made, and one such copy shall be deposited with the sheriff clerk of the county in which that part of the lands, property, or rights authorized to be entered upon, cut through, interfered with, or affected most contiguous to the lands proposed to be drained and improved shall be situated, who is hereby required to deposit and keep the same among the records of the said county, so that recourse may be had thereto by any person interested in the premises, and the other copy shall be deposited with the parish schoolmaster for the time being of the parish in which the said land, property, or rights shall be situated, to be kept by him and his successors in office with the public books, writings, and papers of the parish, or shall be deposited with such other fit persons as the sheriff shall approve; and all persons interested therein may have access to and be furnished with copies of or extracts from any such copy, on giving reasonable notice to the person having custody of the same, and on payment of 2s. 6d. for such inspection, and after the rate of 3d. for every seventy-two words contained in such copy or extract; and all such copies of and extracts from any such copy of any such order as aforesaid as shall be furnished by the sheriff clerk shall be signed by the sheriff clerk, purporting the same to be a true copy or extract; and every such copy and extract so signed, shall be received in evidence without further proof thereof.

xvi. Provided and enacted, That it shall not be lawful for any person acting or pretending to act under this Act to make or construct, alter or extend, on the shore of the sea, or of any creek, bay, or arm of the sea, or any navigable river communicating therewith, where and so far up the same as the tide flows, any work which might not have been lawfully made or constructed in case this Act had not been passed, without the previous consent of the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom aforesaid, for the time being, to be signified in writing under the hand of the Secretary of the Admiralty, and then only according to such plan and under such restrictions and regulations as the said Lord High Admiral, or Commissioners for executing the office of Lord High Admiral aforesaid, may approve of, such approval being signified as last aforesaid; and if any such work shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral aforesaid, at his or their discretion, to abate and to remove the same, and to restore the site thereof to its former condition, at the cost of the person or of any one or more of the persons by whom the same shall have been so commenced or completed; and nothing herein contained shall authorize or enable any person acting or pretending to act under this Act to make or construct any work affecting any navigable river or canal, or any river within the provisions of any Act of Parliament, without the consent of the trustees or proprietors of such river or canal, and of Her Majesty's Commissioners of Woods and Forests, or to use or occupy land between high or low water mark, without the consent of Her Majesty's Commissioners of Woods and Forests.

XVII. That in the construction of this Act (except where the nature of the provision or context of the Act is repugnant to such construction) "the sheriff" shall mean the sheriff or his substitute; and the word "plan" shall extend to drawings and sections; and the word "river" shall extend to all rivers, rivulets, lakes, canals, streams, and estuaries; and the word "person" and the word "proprietor" shall extend to the Queen's Majesty, and to all bodies politic, corporate, or collegiate; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

XVIII. That this Act may be amended or repealed by any Act to be passed in the present session of Parliament.

CAP. CXIV.

AN ACT for improving the Harbour and Docks of *Leith*.

(23rd July 1847.)

This Act contains the following clauses :—

- I. Debt of the Commissioners of Leith Harbour to be taken at 228,374*l.* 9*s.* 8*d.*
- II. Expenditure of 16,077*l.* on the east pier ratified.
- III. Treasury may allow Commissioners of harbour and docks to apply surplus profits to improving the same.
- IV. Certain clauses of 8 & 9 Vict. c. 17, as to borrowing money incorporated with this Act.
- V. Act may be amended, &c.

CAP. CXV.

AN ACT to vary the Priorities of the Charges made on "The London Bridge Approaches Fund."

(23rd July 1847.)

This Act contains the following clauses :—

- I. Commissioners of Woods, &c. empowered to pay 39,000*l.* and interest to the Westminster Improvement Commissioners out of the first monies raised by them on the credit of "The London Bridge Approaches Fund."
- II. Such monies not to be paid till the Westminster Improvement Commissioners have expended 75,000*l.*
- III. Deeds to be deposited with the Commissioners of Woods, &c. as security for completion of thoroughfare.
- IV. Receipts of Commissioners of Woods, &c. to be good discharges.
- V. Commissioners of Woods, &c. empowered to release deeds.
- VI. Monies recovered in case of default to complete thoroughfare to be applied as directed by the Act 4 & 5 Vict. c. 12.
- VII. Two of the Commissioners of Woods, &c. may act.
- VIII. If Commissioners of Woods, &c. are unable to pay the 50,000*l.* as soon as the Westminster Improvement Commissioners have expended 75,000*l.*, interest to run on the 50,000*l.* till payment.
- IX. Receipts of Commissioners to be good discharges.
- X. Act may be amended, &c.

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OF

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DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

10 & 11 VICTORIÆ.

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- ii. An Act for regulating Proceedings by or against "The Llynvi Iron Company," and for granting certain Powers thereto.
- iii. An Act for the continued Repair and Maintenance of the Road from or near Whiteburn in the County of Berwick to the Town of Kelso in the County of Roxburgh; and to authorize the Transfer of a Portion of the said Road to the Trustees of the Road from Lauder, to and through Kelso, to the Marchburn.
- iv. An Act for incorporating the District Fire Insurance Company of Birmingham, by the Name of "The District Fire Insurance Company"; for enabling the said Company to sue and be sued; and for other Purposes relating to the said Company.
- v. An Act for lighting with Gas the Township of Shipley, the Village of Windhill, and the Neighbourhood thereof, in the West Riding of the County of York.
- vi. An Act for extending and enlarging a certain Pier in Pile Harbour in the Parish of Dalton-in-Furness in the County Palatine of Lancaster, and to alter the Act relating thereto.
- vii. An Act to alter, amend, and enlarge the Powers and Provisions of an Act passed in the Second Year of the Reign of His late Majesty King George the Fourth, intituled 'An Act for lighting with Gas the Town and Borough of Ipswich in the County of Suffolk.'
- viii. An Act for authorizing the Cheltenham Waterworks Company to raise a further Sum of Money.
- ix. An Act for more effectually maintaining the Harbour of Newhaven and the Navigation of the River Ouse between Newhaven and Lewes, and for draining the Low Lands lying in Lewes and Laughton Levels, all in the County of Sussex.
- x. An Act for making a Railway from Smithstown to Dalmellington in the County of Ayr.
- xi. An Act to enable the Colchester, Stour Valley, Sudbury, and Halstead Railway Company to make an Extension of their Railway from Sudbury to Melford, Lavenham, and Clare, in the County of Suffolk.
- xii. An Act to enable the Newmarket and Chesterford Railway Company to extend their Line of Railway to Bury Saint Edmunds, with a Branch to the City of Ely.
- xiii. An Act for repealing certain Provisions of the Newmarket and Chesterford Railway Act, 1846.
- xiv. An Act to amend some of the Provisions of the Manchester Markets Act, 1846.
- xv. An Act to enlarge the Powers of "The Wolverhampton Gaslight Company," and to authorize the Union of such Company with "The Wolverhampton New Gas Company.'
- xvi. An Act to enable the Hartlepool West Harbour and Dock Company to construct additional Docks; and for repealing an Act passed in the Seventh Year of the Reign of Her present Majesty, relating to the said Hartlepool West Harbour and Dock Company, and for granting new Powers and Provisions in lieu thereof.
- xvii. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Bolton in the County of Lancaster to improve such Borough, and to take a Lease of and to purchase the Works of the Bolton Waterworks Company.
- xviii. An Act to enable the Colchester, Stour Valley, Sudbury, and Halstead Railway Company to make an Extension Railway from Lavenham to Bury Saint Edmunds in the County of Suffolk.
- xix. An Act for authorizing the Sale of the Eastern Union and Hadleigh Junction Railway to the Eastern Union Railway Company.
- xx. An Act to enable the Newmarket and Chesterford Railway Company to extend their Line of Railway to Thetford in the County of Norfolk.
- xxi. An Act to enable the Colchester, Stour Valley, Sudbury, and Halstead Railway Company to grant a Lease of their Undertaking to the Ipswich and Bury Saint Edmunds Railway Company.

- xxii. An Act to enable the Caledonian Railway Company to make an Extension of the Motherwell Branch of the Clydesdale Junction Railway to Auchinheath Mineral Field, with Branches therefrom.
- xxiii. An Act to enable the Caledonian Railway Company to make Branch Railways to Wilsontown, to Fauldhouse, and to Biggar and Broughton.
- xxiv. An Act to enable the Caledonian Railway Company to make Branches from the Clydesdale Junction Railway to the Douglas and Leimahagow Mineral Fields, and to Strathavon.
- xxv. An Act to abolish, reduce, equalize, and consolidate the Rates and Duties leviable at the Harbour and Docks of Leith.
- xxvi. An Act for better supplying with Water the Inhabitants of the Town and Borough of Rochdale, and of several Townships and Places, all in the Parish of Rochdale in the County of Lancaster.
- xxvii. An Act for granting further Powers to the Bristol and Clifton Oil Gas Company.
- xxviii. An Act for better supplying with Gas and Water the Royal Burgh of Inverness, Suburbs, and Places adjacent.
- xxix. An Act for amending the Ryde Improvement Act.
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- xxxi. An Act to enable the Shipowners Towing Company to sue and be sued.
- xxxii. An Act to alter and amend an Act, intituled An Act for providing in or near the Burgh of Cupar more extensive Accommodation for holding the Courts and Meetings of the Sheriff, Justices of the Peace, and Commissioners of Supply of the County of Fife; and for the Custody of the Records of the said County; and to authorize the Commissioners acting under the Authority of that Act to provide a Court House at Dunfermline for the Accommodation of the Courts of the Sheriff and Justices of the Peace in the Western District of the said County.
- xxxiii. An Act for better assessing and collecting the Poor, Church, and Highway Rates within the Parish of Kingston-upon-Thames in the County of Surrey.
- xxxiv. An Act to enable the Scottish Union Insurance Company to purchase Annuities and invest Money on Securities in England and Ireland; and for other Purposes relating thereto.
- xxxv. An Act for incorporating the Scottish Equitable Life Assurance Society, for confirming the Rules and Regulations thereof, for enabling the said Society to sue and be sued, to take and to hold Property; and for other Purposes relating thereto.
- xxxvi. An Act for regulating legal Proceedings by or against "Claridge's Patent Asphalte Company," and for granting certain Powers thereto.
- xxxvii. An Act to enable the Mayor and Commonalty and Citizens of the City of London to raise a Sum of Money for paying off the Monies now charged on the Bridge House Estates by Authority of Parliament, and to raise further Monies upon the Credit of the said Estates, and of their own Estates and Revenues, for effecting Public Works and Improvements in and near the said City.
- xxxviii. An Act for enabling the Metropolitan Sewage Manure Company to alter the Line of their Works; and for other Purposes.
- xxxix. An Act to authorize the Purchase by the Aberdeen Railway Company of a Piece of Ground at the upper Part of the Inches and upper Part of the Harbour of Aberdeen now vested in the Aberdeen Harbour Commissioners, and to enable such Commissioners to make certain Alterations and new Works connected with such Harbour.
- xl. An Act for better lighting with Gas the Town of Runcorn otherwise called Higher Runcorn and Lower Runcorn, and also certain Townships and Hamlets in the Vicinity.
- xli. An Act for lighting with Gas the Town and Neighbourhood of Bingley in the West Riding of the County of York.
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- xliii. An Act for extending the Powers of the Imperial Continental Gas Association.
- xliv. An Act to amend and extend the Provisions of an Act passed in the Third Year of the Reign of King George the Fourth, intituled An Act for incorporating the Warrington Gaslight Company.
- xlv. An Act for removing the Market between King Street and Castle Street in the Town of Sheffield, and for providing a new Market Place in lieu thereof, and for regulating and maintaining the Markets and Fairs of the said Town.
- xlvi. An Act for better and more effectually ascertaining, assessing, collecting, and levying the Poor Rate and all other Rates and Assessments in the Parish of Ewell in the County of Surrey; and for the better Management of the Business and Affairs of the said Parish; and for other Purposes relating thereto.
- xlvii. An Act for repealing the Acts relating to the Roads leading from the Lower Market House in Tavistock to Old Town Gate in the Borough of Plymouth, and from Manadon Gate to the Old Pound near Devonport in the County of Devon, and making other Provisions in lieu thereof.
- xlviii. An Act to enlarge and improve the Meal, Corn, and Grain Markets of the City of Edinburgh; and for other Purposes in relation thereto.
- xliv. An Act for establishing a Market and Market Place in the Town and Borough of Wakefield.
- i. An Act to repeal the Waterford Road Act.
- ii. An Act for the better Maintenance, Improvement, and Repair of the Glasgow and Shotts Turnpike Roads.
- iii. An Act for the Amendment of the Port and Harbour Acts of Belfast, for making further Improvements and new Works there, and for the Amendment of the Belfast and Cavehill Railway, and Belfast Town Improvement Acts.
- hiil. An Act for incorporating the Commercial Gaslight and Coke Company.
- liv. An Act for better supplying with Water the Town and Neighbourhood of Over Darwen in the County of Lancaster, and for affording a more regular and constant Supply of Water to the Mill Owners and others on the River Darwen.
- lv. An Act to incorporate a Company by the Name of "The London Sewage Chemical Manure Company."
- lvi. An Act for amending an Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, intituled An Act for granting certain Powers to the British American Land Company, and for granting further Powers to the said Company.

- lvii. An Act for making a Railway from Staines to join the London and South-western Railway near Farnborough, with a Branch to Chertsey.
- lviii. An Act for making a Railway from Richmond to Windsor, with a Loop Line through Brentford and Hounslow.
- lix. An Act to authorize an Extension of the Cork, Blackrock, and Passage Railway to Monkstown, and to amend the Act relating thereto.
- lx. An Act to authorize certain Alterations of the Line of the Wilts, Somerset, and Weymouth Railway.
- lxi. An Act to authorize certain Alterations of the Line of the Waterford, Wexford, and Wicklow Railway, and to amend the Act relating thereto.
- lxii. An Act to enable the Liskeard and Caradon Railway Company to raise a further sum of Money.
- lxiii. An Act for making a Railway from the Town of Killarney in the County of Kerry to the Harbour of Valencia in the same County.
- lxiv. An Act to empower the Norfolk Railway Company to make a Railway from the Lowestoft Railway near Reedham to join the Norwich Extension of the Ipswich and Bury Saint Edmunds Railway near Diss, with a Branch therefrom to Halesworth.
- lxv. An Act to alter and amend several of the Powers and Provisions of the Act relating to the Dundalk and Ennis-killen Railway.
- lxvi. An Act for rating to the Relief of the Poor and other Parochial and Local Rates the Owners of certain Property within the Parishes of King's Norton, Northfield, and Beoley in the County of Worcester, Edgbaston in the County of Warwick, and Harborne in the county of Stafford, in lieu of the Occupiers thereof.
- lxvii. An Act to repeal Two several Acts relating to the Liverpool Gaslight Company, and to substitute other provisions in lieu thereof, and to enable the said Company to raise a further Sum of Money.
- lxviii. An Act for reducing the Dues of the Harbour of the Borough and Town of Weymouth and Melcombe Regis, in the County of Dorset, and consolidating the Trusts created by the Acts relating to such Harbour and the Bridge of the said Borough; and for other Purposes.
- lxix. An Act to amend certain Acts for making and maintaining Roads and converting the Statute Labour in the Counties of Ross and Cromarty, and Part of Nairn locally situate in the County of Ross.
- lxx. An Act to explain and amend the Laws of Sewers relating to the City and Liberty of Westminster, and part of Middlesex.
- lxxi. An Act for the more easy Recovery of Small Debts and Demands within the City of London and the Liberties thereof.
- lxxii. An Act to authorize an Alteration in the Line of the Cornwall Railway, and to amend the Act relating thereto; and for other Purposes.
- lxxiii. An Act to authorize the Right Honourable Francis Egerton Earl of Ellesmere to sell, and the London and North-western Railway Company to purchase, the Estate and Interest of the said Earl in the Manchester South Junction and Altrincham Railway.
- lxxiv. An Act for enabling the Vale of Neath Railway Company to construct certain new Lines of Railway in connexion with the Vale of Neath Railway; and for other Purposes.
- lxxv. An Act to enable the General Terminus and Glasgow Harbour Railway Company to make Branch Railways to the Caledonian and other adjoining Railways, and to amend the Act relating to such Railway.
- lxxvi. An Act to authorize the Gloucester and Dean Forest Railway Company to construct a Dock or Basin at Gloucester in connexion with the said Railway.
- lxxvii. An Act for the better supplying the Town of Dunfermline and Places adjacent thereto with Water.
- lxxviii. An Act to enable the Ambergate, Nottingham, and Boston and Eastern Junction Railway Company to alter the line of their Railway, and to construct a Branch Railway therefrom into the Town of Nottingham.
- lxxix. An Act to enable the Llynvi Valley Railway Company to make an Extension of their Railway to Newcastle in the County of Glamorgan, and to amend the Act relating to their said Railway, to be called "The Llynvi Valley Railway Extension."
- lxxx. An Act to enable the Shrewsbury and Birmingham Railway Company to make Branch Railways to Madeley and Ironbridge; and for other Purposes.
- lxxxi. An Act to enable the Bristol and South Wales Junction Railway Company to improve and maintain the Aust or Old Passage Ferry across the River Severn.
- lxxxii. An Act to enable the Caledonian Railway Company to make a Branch Railway from the Glasgow, Garnkirk, and Coatbridge Railway to Glasgow, and to enlarge the Station in that City.
- lxxxiii. An Act to enable the Caledonian and Dumbartonshire Junction Railway Company to make certain Deviations and Branches.
- lxxxiv. An Act to repeal An Act of the Second Year of His late Majesty King William the Fourth, intituled An Act to enable the British Commercial Insurance Company to sue and be sued in the Name of One of the Directors or of the Secretary for the Time being of the Company, and to enable the said Company to sue and be sued in the Name of One of their Directors or of their Secretary for the Time being.
- lxxxv. An Act to alter and amend the Newry and Ennis-killen Railway Act, 1845.
- lxxxvi. An Act for amending the Newport, Abergavenny, and Hereford Railway Act, 1846, and to authorise Deviations from the Line of the said Railway, and for making Branches and Extensions therefrom.
- lxxxvii. An Act for making a Railway from Herne Bay to a Junction with the Canterbury and Whitstable Railway, to be called "The Herne Bay and Canterbury Junction Railway."
- lxxxviii. An Act to enable the London and South-western Railway Company to widen and improve the London and South-western Railway from the Junction thereof with the Richmond Railway to the Terminus at Nine Elms, and to enable them to enlarge their intended Station at the York Road, Lambeth.
- lxxxix. An Act to enable the Dundee and Perth Railway Company to alter and extend their Line near to Perth, and to make Branches therefrom to Inchtute, Polgavie, and Inchmichael.
- xc. An Act to enable the Glasgow, Barrhead, and Neilston Direct Railway Company to alter a Portion of their Line; and for other Purposes relating thereto.
- xci. An Act for making Branch Railways from the Great Western Railway and from Hammersmith to join the West

cxiii. An Act for constructing and maintaining Docks and other Works at or near the South Side of the Town of

- Swansea in the Town and Franchise of Swansea in the County of Glamorgan.
- cxiv. An Act for lighting with Gas the Town of Croydon and its Vicinity in the County of Surrey.
- cxv. An Act to amend the East Lincolnshire Railway Act, 1846, and to authorize the Construction of a Branch Railway to join the Great Grimsby and Sheffield Junction Railway near Grimsby.
- cxvi. An Act to construct Waterworks for supplying with Water the Town of Falmouth and certain Parishes adjacent thereto in the County of Cornwall.
- cxvii. An Act for improving and maintaining the Harbour of Macduff in the County of Banff.
- cxviii. An Act to repeal the Acts relating to Warkworth Harbour in the County of Northumberland, and to make other Provisions in lieu thereof.
- cxix. An Act for extending and enlarging the Provisions of the Act for regulating Buildings and Party Walls within the City and County of Bristol, and for forming certain Streets, and for widening other Streets within the same.
- cxx. An Act to enable the Midland Great Western Railway of Ireland Company to make certain Deviations in the authorized Line of the said Railway; and to amend the Acts relating thereto.
- cxxi. An Act to amend and enlarge the Powers and Provisions of the Westminster Improvement Act, 1845, and to authorize the Application of certain Rates in aid of the Improvements.
- cxxii. An Act to empower the London and North-western Railway Company to make a Railway from the London and North-western Railway near Watford to St. Albans, Luton, and Dunstable.
- cxxiii. An Act to authorize the Consolidation into One Undertaking of the York and Newcastle and the Newcastle and Berwick Railways.
- cxxiv. An Act for enabling the York and Newcastle Railway Company to make certain Branch Railways in the Counties of Durham and York; and for other Purposes.
- cxxv. An Act to enable the Midland Railway Company to make a Railway from near Leicester, *via* Bedford, to Hitchin and to Northampton and Huntingdon, with Branches; to enlarge the Leicester Station of the Midland Railway; and for other Purposes.
- cxxvi. An Act to empower the North British Railway Company to extend the Haddington Branch of the North British Railway, to make certain Alterations in the Hawick and Kelso Branches of the same Railway, and for other Purposes.
- cxxvii. An Act to amend the Acts relating to the Ipswich and Bury Saint Edmunds Railway Company, and to enable the Company to construct a Railway from the Ipswich and Bury Saint Edmunds Railway near Ipswich to Woodbridge.
- cxxviii. An Act to enable the Manchester, Sheffield, and Lincolnshire Railway Company to make a Branch Railway from the Market Rasen and Lincoln Line of their Railway in the Parish of Stainton-by-Langworth to the Town of Wragby in the County of Lincoln.
- cxix. An Act for enabling the London and North-western Railway Company to make a Railway from Birmingham to Lichfield, and for amending the former Acts relating to the said Company.
- cxl. An Act for enabling the York and North Midland Railway Company to extend the Line of their Harrogate Branch Railway, and make a Station at Harrogate.
- cxli. An Act for enabling the York and North Midland Railway Company to make a Railway from their Line at Burton Salmon to Knottingley, with a Branch therefrom; and for other Purposes.
- cxlii. An Act to enable the Aberdeen Railway Company in part to alter their Branch Railway to Brechin.
- cxliii. An Act to enable the Great Northern Railway Company to alter the Line of their Railway near Doncaster.
- cxliv. An Act to authorize the Shrewsbury and Chester Railway Company to make certain Branches, and to provide Station Room and other Conveniences in the City of Chester, and to raise additional Capital for these Purposes; and for amending the former Acts relating to the said Company.
- cxlv. An Act for enabling the London and South-western Railway Company to make Extensions of the Guildford Extension and Portsmouth and Fareham Railway near Portsmouth, and a Deviation in the authorized Line thereof near Godalming.
- cxlvi. An Act to enable the Great Northern Railway Company to make certain Alterations in the Line of their Railway as already authorized between Grantham and York.
- cxlvii. An Act to authorize an Extension of and the Construction of a Station in connexion with the Chester and Holyhead Railway at Chester; and for other Purposes.
- cxlviii. An Act to enable the Great Northern Railway Company to take a Lease of or to purchase the East Lincolnshire Railway, and the Boston, Stamford, and Birmingham Railway.
- cxlix. An Act for enabling the Birmingham, Wolverhampton, and Dudley Railway Company to purchase Lands for additional Station Room at Birmingham, and for authorizing the Sale of the Undertaking of the said Company to the Great Western Railway Company.
- cl. An Act to enable the Midland Railway Company to enlarge their Stations at Masebrough and Normanton respectively, and to construct additional Sidings or Branch Railways.
- cli. An Act to enable the Edinburgh, Leith, and Granton Railway Company to make a Branch Railway to the Upper Drawbridge in the Town of Leith.
- clii. An Act to enable the Edinburgh, Leith, and Granton Railway Company to make a Branch Railway from Bonnington to Trinity Villa; to acquire certain Pieces of Land; and to shut up and use certain Roads or Streets for the Purposes of the said Railway.
- cliii. An Act for making a Railway from Portadown in the County of Armagh to Dungannon in the County of Tyrone, to be called "The Portadown and Dungannon Railway."
- cliv. An Act for making a Railway from the Great Western Railway at Cheltenham to join the Oxford and Rugby Railway near Oxford, with a Branch therefrom; and for other Purposes.
- clv. An Act to empower the Boston, Stamford, and Birmingham Railway Company to make a Railway from Wisbech to Sutton Bridge, with a Branch to Sutton Saint Mary, and to improve the Harbour at Sutton Bridge.
- clvi. An Act to authorize the Purchase by the Eastern Counties Railway Company of the North Woolwich Railway

- and the Lease of the Pepper Warehouses and Wharfs of the East and West India Dock Company.
- clvii. An Act to enable the Eastern Counties Railway Company to enlarge their London and Stratford Stations; and to amend some of the Provisions of the Acts relating to the Eastern Counties Railway Company.
- clviii. An Act to enable the Eastern Counties Railway Company to make a Railway from the Eastern Counties Railway near Cambridge to the Bedford and Bletchley Railway at or near Bedford, with Branches.
- clix. An Act to incorporate the Huddersfield and Manchester Railway and Canal Company and the Leeds, Dewsbury, and Manchester Railway Company with the London and North-western Railway Company.
- clx. An Act to enlarge the Powers of the Dublin, Dundrum, and Rathfarnham Railway Act, 1846, and to enable the Company to make an Extension to Stephen's Green.
- clxi. An Act for enabling the Huddersfield and Manchester Railway and Canal Company to alter a Portion of the Line of their Oldham Branch; and for other Purposes.
- clxii. An Act for making a Railway from Mold in the County of Flint to join the Chester and Holyhead Railway in the Parish of Hawarden in the same County, with Branches, to be called "The Mold Railway."
- clxiii. An Act to enable the Manchester and Leeds Railway Company to make certain Branches, Extensions, and other Works, and to alter the Name of the Company.
- clxiv. An Act for enabling the Blackburn, Darwen, and Bolton Railway Company to make certain Alterations in the Line of their Railway in the Parishes of Blackburn and Bolton-in-the-Moors; and for amending the Acts relating thereto.
- clxv. An Act for enabling the Manchester, Sheffield, and Lincolnshire Railway Company to make a Coal Branch from their Thurgoland Station to the Township of Stainborough.
- clxvi. An Act to enable the Manchester and Leeds Railway Company to alter the Line and Levels of the Brighouse Branch of the West Riding Union Railways, and to make a new Line into Leeds.
- clxvii. An Act to enable the Direct London and Portsmouth Railway Company to make an Approach to the Town of Dorking, and a Deviation in the Line and certain Alterations in the Levels of their Railway and in the Croydon and Epsom Railway.
- clxviii. An Act to enable the Glasgow, Paisley, and Greenock Railway Company to make a certain Branch Railway to the Caledonian Railway at Glasgow, and to divert Part of the Glasgow, Paisley, and Ardrossan Canal.
- clxix. An Act to amalgamate the Glasgow, Paisley, and Greenock Railway with the Caledonian Railway, and to authorize the raising of additional Money by the said last-mentioned Company.
- clxx. An Act for making a Deviation in the Line of the Lynn and Ely Railway, and for forming Docks within the Borough of King's Lynn.
- clxxi. An Act to enable the Lynn and Ely Railway Company to make a Navigation from Lynn to Wormegay, all in the County of Norfolk.
- clxxii. An Act to enable the Caledonian Railway Company to make certain Branch Railways in the Counties of Dumfries and Cumberland.
- clxxiii. An Act for making a Railway from the North British Railway at East Linton to Ormiston, to be called "The East Lothian Central Railway."
- clxxiv. An Act to amalgamate the Eastern Union and Ipswich and Bury Saint Edmunds Railway Companies.
- clxxv. An Act to enable the Chard Canal and Railway Company to extend their Railway from Ilminster to Chard, all in the County of Somerset.
- clxxvi. An Act to enable the Midland Great Western Railway of Ireland Company to make a Railway from Athlone to Galway.
- clxxvii. An Act to enable the Newport, Abergavenny, and Hereford Railway Company to extend their Railway from the Neighbourhood of Pontypool to the Taff Vale Railway.
- clxxviii. An Act for making a Railway from the Northampton and Peterborough Branch of the London and North-western Railway to the Town of Banbury, to be called "The Northampton and Banbury Railway;" and for other Purposes.
- clxxix. An Act for making a Railway from the Swansea Vale Railway at Ynysymond in the Parish of Cadoxton to Namelyn in the Parish of Llangefelaoh, both in the County of Glamorgan, with Branches.
- clxxx. An Act to authorize the Purchase by the Dublin and Drogheda Railway Company of the Navan Branch of the Dublin and Belfast Junction Railway, and to authorize the Dublin and Drogheda, the Dublin and Belfast Junction Railway, with a Branch from Drogheda to Navan, the Ulster, and the Dundalk and Enniskillen Railway Companies, or any of them, to amalgamate with one another.
- clxxxi. An Act to amend some of the Provisions of the Glasgow, Dumfries, and Carlisle Railway Act, 1846.
- clxxxii. An Act to amend the Act relating to the Glasgow, Dumfries, and Carlisle Railway Company, and to authorize the Company to make a Branch Railway to Kirkcudbright, with diverging Lines therefrom; and for other purposes.
- clxxxiii. An Act to amend the Acts and alter the Terms of Amalgamation of the Glasgow, Dumfries, and Carlisle Railway Company, and of the Glasgow, Paisley, Kilmarnock, and Ayr Railway Company.
- clxxxiv. An Act to enable the Glasgow, Paisley, Kilmarnock, and Ayr Railway Company to make certain Branch Railways in the County of Ayr, and to alter the Line of the Glasgow and Belfast Union Railway; and for other Purposes.
- clxxxv. An Act to authorize the Construction of certain Branch Railways in the County of Ayr in connexion with the Glasgow, Paisley, Kilmarnock, and Ayr Railway; and for other Purposes.
- clxxxvi. An Act to amend the Acts relating to the Glasgow, Paisley, Kilmarnock, and Ayr Railway, and to provide additional Station Accommodation; and for other Purposes.
- clxxxvii. An Act for making a Railway from Parkgate in the Parish of Great Neston in the County of Chester to join the Chester and Birkenhead Railway in the Parish of Bebington in the same County.
- clxxxviii. An Act for enabling the London and North-western Railway Company to make a Branch Line of Railway from Portobello to Wolverhampton; and for other Purposes.

- elxxix. An Act to empower the South Staffordshire Railway Company to make divers Branch Railways; and for other Purposes.
- exx. An Act to incorporate the Manchester and Lincoln Union Railway and Chesterfield and Gainsborough Canal Company with the Manchester, Sheffield, and Lincolnshire Railway Company.
- exxi. An Act to enable the Midland Railway Company to purchase the Mansfield and Pinxton Railway, and to alter the same, and to make a Railway from the Erewash Valley Railway to the Nottingham and Mansfield Railway, with Branches to Mansfield, and also to the Alfreton Ironworks.
- exxii. An Act to vest in the Edinburgh and Northern Railway Company the Undertaking of the Low-water Pier at Burntisland, and of the Ferry between the same and Granton, and to enable the said Company to extend and improve the said Pier.
- exxiii. An Act to empower the Boston, Stamford, and Birmingham Railway Company to make a Branch Railway from the Stamford and Wisbech Line of the Boston, Stamford, and Birmingham Railway at Wisbech to Wisbech Harbour, and to construct certain Works at Wisbech Harbour.
- exxiv. An Act to authorize an Alteration in the Line of the Cork and Bandon Railway, and an Extension thereof into the City of Cork, and to amend the Act relating to the said Railway.
- exxv. An Act to consolidate the Aberdeen and Great North of Scotland Railway Companies.
- exxvi. An Act for improving, regulating, and maintaining the Haven of Sandwich in the County of Kent.
- exxvii. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Wisbech, as Guardians of the Port and Harbour of Wisbech, to raise a sum of Money; and for other Purposes.
- exxviii. An Act for amending Two Acts of Parliament, passed respectively in the Fourth Year of the Reign of His late Majesty King George the Fourth and the Fourth and Fifth Years of the Reign of His late Majesty King William the Fourth, for erecting a Bridge across the River Shannon, and a Floating Dock and other Works for the Improvement of the Port of Limerick.
- exxcix. An Act for better supplying with Gas the Parish and Neighbourhood of Wakefield in the West Riding of the County of York.
- cc. An Act for making perpetual the Provisions of an Act passed in the last Session of Parliament, intituled An Act for the Regulation of the Legal Quays within the Port of London.
- cci. An Act for better supplying with Gas the Town of Ashton-under-Lyne in the County Palatine of Lancaster, and the Neighbourhood thereof.
- ccii. An Act for better supplying with Water the City of Edinburgh and Places adjacent.
- cciii. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Manchester in the County of Lancaster to construct Waterworks for supplying the said Borough and several Places on the Line of the said intended Works with Water; and for other Purposes.
- cciv. An Act for supplying with Water certain Parts of the Staffordshire Potteries and the Town of Newcastle-under-Lyme and several Townships and Places adjoining or near thereto.
- ccv. An Act for building a Bridge across the River Ouse in the City of York, with Approaches thereto, and for widening, altering and improving certain Streets or Thoroughfares within the said City; and for other Purposes.
- ccvi. An Act for the more effectually assessing, collecting and levying the Poor and other Rates in the City and County of the City of Norwich, and Liberties of the same.
- ccvii. An Act for amending the Acts relating to the Police and Improvement of the Burgh of Kilmarnock; and for other Purposes in relation thereto.
- ccviii. An Act for extending the Municipal Boundaries of the Burgh of Inverness; establishing a general System of Police therein, and regulating the Petty Customs; and for other Purposes relating to the said Burgh.
- ccix. An Act for deepening, enlarging, improving, and maintaining the Port and Harbour of Inverness, and the Navigation of the River Ness, and the Quays and Piers and other Works connected therewith; for regulating the Anchorage and Shore Dues of the said Port and Harbour; and for other Purposes relating thereto.
- ccx. An Act for enabling the Leeds and Thirsk Railway Company to deviate the Main Line of their Railway in Crimble Valley, to alter the proposed Junction with the York and Newcastle Railway, and to divert the Leeds, Wortley, and Stanningley Turnpike Road.
- ccxi. An Act to confirm an Agreement between the Treasurer and Masters of the Bench of the Honourable Society of Lincoln's Inn in the County of Middlesex and the joint Vestry of the joint Parishes of Saint Giles-in-the-Fields and Saint George Bloomsbury in the same County and the Rector and Vestry of the separate Parish of Saint Giles-in-the-Fields.
- ccxii. An Act for incorporating the Landowners Drainage and Inclosure Company, and for enabling the Owners of settled Estates, drained, irrigated, inclosed, and improved by the said Company, to charge the same for the Purposes of such Drainage, Inclosure, and Improvement.
- ccxiii. An Act for repairing and keeping in repair the Turnpike Roads in the County of Ayr; for making and maintaining new Roads, and altering and improving existing Roads; for rendering Turnpike certain Parish Roads; and for regulating the Statute Labour and Bridge Money in the said County.
- ccxiv. An Act to empower the Midland Railway Company to extend the Line of their Nottingham and Lincoln Railway at Lincoln, and to make a Branch Railway to their Lincoln Station.
- ccxv. An Act to authorize certain Deviations in the Line of the Syston and Peterborough Branch of the Midland Railway, and the Formation of a Road or Approach to the intended Manton Station thereof.
- ccxvi. An Act to authorize the Purchase by the York and North Midland Railway Company of the Interests of the Shareholders in the Market Weighton Canal, and the Purchase of the Canal communicating therewith called Sir Edward Vavasour's Canal, of the Pocklington Canal, and of the Leven Canal, all in the East Riding of the County of York.
- ccxvii. An Act to facilitate the effectual Drainage of certain Districts within the Commission of Sewers for the Limits extending from East Moulsey in Surrey to Ravensbourne in Kent.

- ccxviii. An Act for enabling the York and North Midland Railway Company to make a Station at Hull, and certain Branch Railways connected with their Railways and the said Station; and for other Purposes.
- ccxix. An Act for enabling the York and North Midland Railway Company to make a Railway from their Church Fenton and Harrogate Branch to Knaresborough and Boroughbridge.
- ccxx. An Act to enable the Edinburgh and Northern Railway Company to make a Deviation and Extension of their Branch Railway to Dunfermline, to make another Railway from their Strathearn Deviation Railway to the Scottish Central Railway, and to make an Alteration in the Manner of constructing the said Branch and Strathearn Deviation across certain Roads.
- ccxxi. An Act for making a Railway from Southport through Wigan to Pendleton near Manchester, with several Branches, to be called "The Manchester and Southport Railway."
- ccxxii. An Act to incorporate the Chester and Birkenhead Railway with the Birkenhead, Lancashire, and Cheshire Junction Railway.
- ccxxiii. An Act for enabling the Birkenhead, Lancashire, and Cheshire Junction Railway Company to make a Deviation in the Chester Branch of their Railway; and for other Purposes.
- ccxxiv. An Act to enable the East of Fife Railway Company to make a Deviation in their Main Line, and to improve the Junction with the Edinburgh and Northern Railway near Markinch.
- ccxxv. An Act to empower the Eastern Union Railway Company to make a Railway from the Eastern Union Railway at Manningtree to Harwich, with Branches thereout; and for other Purposes.
- ccxxvi. An Act for making Branch Railways from the Great Western Railway to Henby and to Radstock; to widen certain Portions of the Great Western Railway; to enable the Great Western Railway Company to purchase or amalgamate with the Birmingham, Wolverhampton, and Dudley Railway, and to purchase the Wycombe and Great Western and Uxbridge Railways; and for other Purposes.
- ccxxvii. An Act to authorize certain Alterations in the Line of the Liverpool, Manchester, and Newcastle-upon-Tyne Junction Railway; and for other Purposes.
- ccxxviii. An Act to empower the London and North-western Railway Company to enlarge their Stations at Liverpool and Crewe; and for other Purposes.
- ccxxix. An Act to authorize the Sale of the Paisley and Renfrew Railway to the Glasgow, Paisley, Kilmarnock, and Ayr Railway Company, and the Improvement of the said Railway by that Company.
- ccxxx. An Act to enable the South-eastern Railway Company further to widen the London and Greenwich Railway, and to enlarge their London Bridge Station.
- ccxxxi. An Act to authorize certain Alterations in the Line of the Waterford and Limerick Railway; and to amend the Act relating thereto; and for other Purposes.
- ccxxxii. An Act for making certain Lines of Railway in the County of Lancaster, to be called "The Oldham Alliance Railway."
- ccxxxiii. An Act for making a Railway and Branch Railways in the County of Chester, to be called "The Manchester and Birmingham and North Staffordshire Junction Railway."
- ccxxxiv. An Act to enable the Glasgow, Paisley, Kilmarnock and Ayr Railway Company to make certain Branch Railways in the County of Renfrew; and for other Purposes.
- ccxxxv. An Act to enable the Eastern Counties Railway Company to make a Railway from Wisbech to Spalding.
- ccxxxvi. An Act to authorize the Consolidation into One Undertaking of the Oxford and Bletchley Junction Railway Company and the Buckingham and Brackley Junction Railway Company, and to enable the Company so to be consolidated to make Extension Lines to Banbury and Aylesbury, and an Alteration of the Line into the City of Oxford.
- ccxxxvii. An Act to enable the Caledonian Railway Company to extend their Station in Edinburgh, and to make Branch Railways to Granton and to the Edinburgh and Glasgow Railway.
- ccxxxviii. An Act to enable the Chester and Holyhead Railway Company to extend their Line of Railway to the proposed new Harbour at Holyhead, and to contribute towards the Expense of constructing the said Harbour.
- ccxxxix. An Act to incorporate the Edinburgh, Leith, and Granton Railway Company with the Edinburgh and Northern Railway Company.
- ccxl. An Act to enable the Liverpool, Manchester, and Newcastle-upon-Tyne Junction Railway Company to make a Railway from the Burnley Branch of the Manchester and Leeds Railway in the Township of Habergham Eaves in the Parish of Whalley in the County of Lancaster to the East Lancashire Railway in the same Township; and for other Purposes.
- ccxli. An Act to authorize a certain Alteration in the Line of the Reading, Guildford, and Reigate Railway, and to amend the Act relating thereto.
- ccxlii. An Act to enable the South Devon Railway Company to extend the Line of the South Devon Railway to Torquay and to Brixham; and for other Purposes.
- ccxliii. An Act to amend the Exeter and Exmouth Railway Act, 1846, and to enable the London and South-western Railway Company to subscribe towards, lease, or purchase the said Railway.
- ccxliv. An Act for authorizing the Sale of Part of the Brighton and Chichester (Portsmouth Extension) Railway to the London and South-western and the London, Brighton, and South Coast Railway Companies, and the Use by the last-mentioned Company of Part (Wandsworth to London) of the London and South-western Railway.
- ccxlv. An Act for making a Branch Railway from the Glasgow, Airdrie, and Monklands Junction Railway at or near Whitevale Street, Glasgow, to the Edinburgh and Glasgow Railway at or near Cowlares; and to amend the Acts relating to such Railways.
- ccxli. An Act to enable the Edinburgh and Bathgate Railway Company to deviate a Portion of their Main Line, and for other Purposes.
- ccxlvii. An Act to make certain Deviations in the authorized Line of the "Manchester, Buxton, Matlock, and Midlands

- Junction Railway," and to amend the Act relating thereto.
- ccxlviii. An Act to enable the Royston and Hitchin Railway Company to lease or sell their Line, and to authorize the said Company to enter into Contracts and complete Arrangements with the Great Northern Railway Company.
- cclix. An Act to amend the Acts relating to the London and South-western Railway.
- cc. An Act to repeal an Act passed in the Fifty-fifth Year of His late Majesty King George the Third, for building a new Church and also a Workhouse in the Parish of Bathwick in the County of Somerset, and another Act passed in the Fifty-seventh Year of His said late Majesty to amend the said Act, and to provide for the future Administration and Exercise of the Trusts and Powers thereby respectively created.
- ccli. An Act for paving, lighting, watching, draining, cleansing, regulating, and otherwise improving the Town of Lytham in the County Palatine of Lancaster, for supplying the Inhabitants thereof with Water, and for establishing and regulating a Market and Market Places therein.
- cclii. An Act for paving, lighting, watching, cleansing, and otherwise improving the Town and Neighbourhood of Tunstall in the County of Stafford, and for improving and regulating the Market Place and Markets therein.
- ccliii. An Act for better paving, cleansing, draining, regulating, lighting, and improving the District of Rathmines, Mount Pleasant, Ranelagh, Cullenswood, Milltown, Rathgar, and Haroldscross, and such other Portions of the Parish of Saint Peter within the Barony of Uppercross in the County of Dublin, and for otherwise promoting the Health and Convenience of the Inhabitants.
- ccliv. An Act for the further Improvement of the Borough of Belfast.
- cclv. An Act for improving the Streets and public Places, and erecting a Town Hall, and improving the Markets, in the Township of Blackburn in the County Palatine of Lancaster.
- ccarvi. An Act for paving, lighting, watching, draining, cleansing, and improving the Town of Saint Ives and the Neighbourhood thereof in the County of Huntingdon.
- cclvii. An Act for paving, lighting, cleansing, watering, regulating, and otherwise improving the Town of Portsmouth in the County of Southampton, and for removing and preventing Nuisances and Annoyances therein.
- cclviii. An Act for lighting, paving, cleansing, sewerage, draining, regulating, and improving the Town and Neighbourhood of Bingley in the West Riding of the County of York, and for other Purposes connected therewith.
- cclix. An Act for constructing and maintaining a Bridge across the River Slaney near the Town of Wexford, with Approaches, and for taking down the present Bridge there.
- cc. An Act to amend the several Acts relating to Swansea Harbour.
- ccxi. An Act for better supplying with Water the Borough of Liverpool and the Neighbourhood thereof, and for authorizing the Mayor, Aldermen, and Burgesses of the said Borough to purchase the Liverpool and Harrington Waterworks and Liverpool Waterworks.
- ccxii. An Act for better supplying with Water the Inhabitants of the Town and Neighbourhood of Leeds in the County of York.
- ccxiii. An Act for making Docks at Jarrow Slake in the River Tyne.
- ccxiv. An Act to authorize the Birkenhead Dock Commissioners to construct an additional Dock and other Works at Birkenhead in the County of Chester, and for other Purposes.
- ccxv. An Act to alter and amend the Acts relating to the Birkenhead Commissioners Docks, and to make further Provision with respect to the Construction of the Sea or Wharf Walls along Wallasey Pool; and for other Purposes.
- ccxvi. An Act for authorizing the sale of the Leominster Canal, and other Property of the Company of Proprietors of the Leominster Canal Navigation, and for winding up and adjusting the Concerns of the same Company.
- ccxvii. An Act for the better Drainage of Lands called Crowland Washes and Fodder Lots, Cowbit Wash, and Deeping Fen Wash, in the several Parishes of Crowland, Spalding, and Pinchbeck, the Hamlets of Cowbit and Peakhill, and the extra-parochial Place or Lands called Deeping Fen, or Deeping Fen Welland Washes, all in the County of Lincoln.
- ccxviii. An Act to change the Name of the Liverpool Fire and Life Insurance Company, and for other Purposes relating thereto.
- ccxix. An Act to enable the National Mercantile Life Assurance Society to sue and be sued in the Name of a Nominal Party, and for other Purposes relating to the said Company.
- ccxx. An Act to enable the Coventry, Nuneaton, Birmingham, and Leicester Railway Company to sell and transfer their Railway, Works, and Interests to the London and North-western Midland Railway Companies, or either of them; and for other Purposes.
- ccxxi. An Act to enable the Saint Helen's Canal and Railway Company to make Branch Railways to Warrington and to Blackbrook, and to make certain Alterations in their Railway, and also to take a Lease of the Rainford Branch of the London and North-western Railway.
- ccxxii. An Act to enable the Great Northern Railway Company to make a Railway from St. Alban's to the Great Northern Railway at Hatfield, and thence to the Town of Hertford.
- ccxxiii. An Act for making a Deviation in the Line of the Taw Vale Railway, for making Branches therefrom to the Towns of Bideford and South Moulton, for enlarging the Dock, and for amending the Acts relating thereto.
- ccxxiv. An Act to enable the Edinburgh and Northern Railway Company to improve the Ferry between Ferry-Port-on-Craig and the North Shore of the River Tay.
- ccxxv. An Act for consolidating the Lynn and Ely, the Ely and Huntingdon, and the Lynn and Dereham Railway Companies into One Company, to be called "The East Anglian Railways Company."
- ccxxvi. An Act for enlarging the present Station of the London, Brighton, and South Coast Railway Company at or near London Bridge, and for the Division of the present Station between the London, Brighton, and South Coast and the South-eastern Railway Companies, for the separate Accommodation of the Traffic of such Two Railway Companies.
- ccxxvii. An Act to enable the Edinburgh and Northern Railway Company to construct Branch Railways to Saint Andrew's and Newburgh Harbour, and to divert and alter the Levels of certain Turnpike Roads in the Line of the Newport Railway Extension.

- colxxxviii. An Act to empower the London and North-western Railway Company to make a certain Branch Railway from Kenilworth to Berkswell, and to widen the line from Leamington to Coventry, all in the County of Warwick; and for other Purposes.
- colxxxix. An Act to enable the Manchester, Sheffield, and Lincolnshire Railway Company to sell the Water not required for their Canals called the Peak Forest Canal and Macclesfield Canal, and to make additional Works in connexion with such Canals.
- colxxxx. An Act for widening and improving Cannon Street, and for making a new Street from the West End of Cannon Street to Queen Street, and for widening and improving Queen Street, and for effecting other Improvements in the City of London.
- colxxxxi. An Act to amend an Act for improving the Navigation from the Hythe at Colchester to Wivenhoe in the County of Essex, and for better paving, lighting, and improving the Town of Colchester; and for making a new Channel and deepening the river Colne from Wivenhoe to Lamb's Hard leading towards the Sea.
- colxxxixii. An Act for better supplying with Water the Inhabitants of the Borough of Leicester, and certain Parishes and Places adjacent thereto, in the County of Leicester.
- colxxxixiii. An Act for removing Doubts as to the Purchase of Lands by the Dock Company at Kingston-upon-Hull in certain Cases.
- colxxxixiv. An Act to purchase and define the Manorial and Market Rights of Stockport, to establish public Parks, to purchase or lease Waterworks, to build Bridges, and to make other Communications within the Borough of Stockport.
- colxxxixv. An Act for establishing a general Cemetery at Wolverhampton in the County of Stafford, and for making certain direct Roads and Approaches to the said Cemetery from the Town of Wolverhampton and the Neighbourhood thereof.
- colxxxixvi. An Act to enable the Great Northern Railway Company to make a Branch Railway near Sutton in Lincolnshire.
- colxxxixvii. An Act to enable the Great Northern Railway Company to make certain Alterations in the Line and Levels of their Railway between London and the Neighbourhood of Grantham.
- colxxxixviii. An Act to enable the East Lancashire Railway Company to alter the Line and Levels of their Railway, and to make a Branch Railway therefrom; and for other Purposes relating thereto.
- colxxxixix. An Act to enable the East Lancashire Railway Company to extend the Liverpool, Ormakirk, and Preston, and the Blackburn and Preston Lines of their Railway, into Preston; and for other Purposes relating thereto.
- ccxc. An Act to enable the Northern Counties Union Railway Company to make certain Alterations in their Railway in the Parishes of Aygarth and Wensley in the North Riding of the County of York.
- ccxci. An Act for making several Lines of Railway between Penistone, Barnsley, Elsecar, and Doncaster, in the West Riding of Yorkshire, to be called "The South Yorkshire, Doncaster, and Goole Railway;" and for authorizing the Purchase of Part of the Sheffield, Rotherham, Barnsley, Wakefield, Huddersfield, and Goole Railway, and of the Dun Navigation and Dearne and Dove Canal.
- ccxcii. An Act for enabling the Wear Valley Railway Company to purchase or lease the Bishop Auckland and Wear-dale Railway, the Wear and Derwent Railway, the Wear-dale Extension Railway, and the Shildon Tunnel, and to raise an additional Sum of Money; and for other Purposes.
- ccxciii. An Act for establishing a general Cemetery for the Interment of the Dead in the Parish of Newbury near the Town of Newbury in the County of Berks.
- ccxciv. An Act to empower the London and North-western Railway Company to make divers Branch Railways in the County of Lancaster; and for other Purposes.
- ccxcv. An Act for the Consolidation of the Duffryn Llynvi and Porth Cawl Railway Company with the Llynvi Valley Railway Company.
- ccxcvi. An Act for forming and regulating "The Timber Preserving Company;" and to enable the said Company to purchase and work certain Letters Patent.
- ccxcvii. An Act for improving and regulating the Harbour of Sutton Pool within the Port of Plymouth in the County of Devon.

PRIVATE ACTS,
PRINTED BY THE QUEEN'S PRINTER,
AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

10 & 11 VICTORIÆ.

1. An Act to enable the Minister of the Parish of Dalkeith in the County of Edinburgh to feu his Glebe Lands lying in the said Parish.
2. An Act to empower the Devises of the Most Noble Francis Duke of Bridgewater deceased to appropriate to Building Purposes a Portion of Cleveland Square in the Parish of Saint James Westminster, and to improve the Approaches thereto.
3. An Act to divide the Parish and Rectory of Doddington otherwise Dorrington into Three separate and distinct Parishes and Rectories, and to endow the same out of the Revenues of that Rectory, and to make Provision for the further Division of such Rectories and Parishes; and for other Purposes connected therewith.
4. An Act for dividing, allotting, and inclosing certain Open Marshes and Waste Lands in the Township of Terrington in the County of Norfolk.
5. An Act for facilitating the Proof of the Will of the Right Honourable George Obrien, late Earl of Egremont and Baron of Cokermouth, in certain Actions in Ireland.
6. An Act for exchanging Freehold Estates belonging to Robert Kellett Long Esquire for Freehold Estates settled by the Will of Robert Churchman Long deceased, and for authorizing the leasing of the settled Estates.
7. An Act for exchanging certain detached Portions situate in the County of Sutherland of the entailed Estate of Poyntzfield, belonging to Sir George Gun Munro Knight, for the Lands of Udale, situate in the County of Cromarty, belonging to James Matheson Esquire, contiguous to the said Estate of Poyntzfield, and for securing the Purchase of other Lands, to be entailed, and to form, along with the Lands of Udale, Parts of the said entailed Estate of Poyntzfield.
8. An Act to rectify an Error in an Act of the last Session, intituled 'An Act to enable the Trustees appointed by Mrs. Jane Ferguson deceased to sell the lands of Laverocklaw, and also certain Subjects situate in the Village of Ormiston, vested in them in trust, and to apply the Price to be obtained, and certain Trust Monies in their Hands, in the Purchase of other Lands, for the Purposes of the said Trust.'
9. An Act for exchanging Hereditaments subject to Uses declared by the Will of Anthony Compton Esquire, deceased, for Hereditaments belonging to the Right Honourable Henry Earl Grey, for selling and exchanging other Hereditaments subject to the same Uses, and for investing the net Proceeds to arise from such Sales and Exchanges in the Purchase of other Hereditaments, to be settled to the same Uses; and to authorize the granting of Leases of Part of the Hereditaments subject to the Uses of the said Will.
10. An Act to enable Edward Legh and Mary Anne his Wife, and others, to make and authorize Sales, Exchanges, and also Building and other Leases, of Estates at Newington otherwise Newington Lucies and Lewisham respectively in the County of Kent; and for other Purposes.
11. An Act to enable Charles Gordon Duke of Richmond and Lennox to borrow a certain Sum of Money upon the Security of his entailed Estates, for Repayment to him of a Portion of the Monies laid out by him in the Improvement of these Estates.
12. An Act for enabling certain Estates in Ireland of the Right Honourable William Earl of Devon deceased to be sold, and the Proceeds arising therefrom, after Payment of certain Charges and Incumbrances, to be applied in Payment or towards Reduction of the Charges and Incumbrances affecting the Family and other Estates in England late of the said Earl of Devon; and for authorizing the raising by Mortgage of the Estates in Ireland, until sold, of a limited Sum of Money, to be applied, under the Direction of the High Court of Chancery in England, in or towards permanently improving the said Estates in Ireland; and for making Provision for the Liquidation and Payment of the Principal Monies and Interest; and for other Purposes.
13. An Act for enabling the Sale and Conveyance of certain Cottages, Gardens, and other improved Lands comprised in the Will of the Right Honourable John William Earl

- of Dudley deceased, and for laying out the Sale Monies in the Purchase of Estates, to be settled to the Uses of the said Will; and for other Purposes.
14. An Act for authorizing the Sale and Exchange of certain Lands, Collieries, Hereditaments, and Mining Stock, forming Part of the Estate of John Bowes late Earl of Strathmore, and for enabling the Trustees to Shift the Charges affecting the Inheritance of the same Lands and Hereditaments; and for other Purposes.
 15. An Act to incorporate the President and Trustees of Huggens's College at Northfleet in the County of Kent, and to enable them the better to carry on the charitable Designs of the said College.
 16. An Act to increase the Number of Trustees for the Management of the Dollar Institution of John M'Nabb's School, and to incorporate the Trustees.
 17. An Act for enabling Conveyances to be made of the Estate and Interest of Elizabeth Goddard (who is of unsound Mind) in Lands and Tenements a Partition or Division whereof is directed by a Decree of the High Court of Chancery made in a Cause "*Whitmore v. Goddard*."
 18. An Act to authorize the Sale of an Estate called Morrant's Court otherwise Morant's Court otherwise Madam's Court in the County of Kent, late the Property of John Fry Esquire, deceased, and for applying the Monies to arise by such Sale in Payment of Incumbrances affecting the said Estate, and for investing the Residue of such Monies for the Benefit of the Parties beneficially interested in the said Estate.
 19. An Act for exonerating the Trustees of the deceased George Paterson of Castle Huntly, Esquire, the elder, of their Expenditure in making Improvements upon the entailed Estates left by him; for enabling them to acquire certain Lands contiguous thereto, and to grant Feus; and for certain other Purposes.
 20. An Act for authorizing the Sale of so much of the entailed Lands and Estates of Dundas in the County of Linlithgow belonging to James Dundas Esquire as may be required to pay the Debts affecting or that may be made to affect the said Estates; and for enabling the said James Dundas to borrow Money upon the Security of the said Lands and Estates, for Repayment of a Portion of the Monies laid out in the Improvement of the said Lands and Estates, and in building a Mansion House and Offices for the same.
 21. An Act for authorizing the granting of a new Lease of certain Coal Mines and Hereditaments in the County of Durham late the Estate of John Lyon Esquire, deceased.
 22. An Act to vest in Trustees certain Lands in the Vicinity of Glasgow which belonged to the late Colin Gillespie, for the Purpose of selling a Portion thereof to pay off the Debt affecting the same, and of partitioning and feuing out the Remainder for the Benefit of his Heirs.
 23. An Act for extending the Time for enrolling (pursuant to the Statute Third and Fourth of William the Fourth, Cap. Seventy-four,) a Deed executed in the Colony of New South Wales for the Purpose of enlarging a Base Fee in Hereditaments at Messingham in the County of Lincoln into an Estate in Fee Simple.
 24. An Act for vesting in the Company of Proprietors of Northam Bridge and Roads certain Lands in the Town and County of Southampton and in the County of Southampton, and for empowering them to sell the same.
 25. An Act for enabling the Trustees of the Will of George Charles Rooke Esquire, deceased, to carry into effect a Contract for the Purchase of the Life Estate and Interest of Hannah Rooke Widow in the Real and Personal Estates of the said George Charles Rooke, respectively devised and bequeathed by his Will, and for raising Money for that Purpose; and for Payment of the Debts of the said George Charles Rooke, and of the Legacies and Arrears of Annuities bequeathed by his said Will; and for other Purposes incidental thereto.
 26. An Act for enabling Leases, Sales, and Partitions to be made of certain Estates in the County Palatine of Lancaster heretofore belonging to John Penson and Molly his Wife.
 27. An Act to enable the Trustees of a Charity called the Leeds Free Grammar School to sell Parts of the Trust Estates belonging to the said Charity, and to purchase other Lands, for the Uses and Purposes of the said Charity; and for other Purposes.
 28. An Act to empower the Dean and Chapter of Westminster to sell and exchange certain Lands and Hereditaments in the Parishes of Paddington and St. George Hanover Square in the County of Middlesex, and to lay out the Monies to arise from such Sale in the Purchase of other Lands and Hereditaments; and for other Purposes.
 29. An Act to vest certain Estates in the County of York in England in Alexander William Robert Bosville and Godfrey Wentworth Bayard Bosville, and in Skye and North Uist in Scotland in the Right Honourable Godfrey William Wentworth Lord Macdonald, and to enable the said Lord Macdonald to sell Parts of the said Estates in Scotland, for the Payment of Debts; and for other Purposes.
 30. An Act for authorizing the Sale to the Right Honourable William Baron Ward of certain Freehold and Copyhold Hereditaments in the County of Worcester devised by the Will of Thomas Pickernell Esquire, deceased, and for directing the Investment of the Purchase Money in other Hereditaments, to be settled in like Manner.
 31. An Act for authorizing Leases to be granted for Quarrying and Mining Purposes of certain Estates in the Isle of Purbeck in the County of Dorset, subject to the Uses of the Will of Maria Sophia Richards Spinster, deceased.
 32. An Act for enabling the Tunstall Market Company to sell their Estate and wind up their Concerns, and for dissolving the Company.
 33. An Act to enable the Trustees and Executors of the Will and Codicil of Sir John Saint Aubyn Baronet, deceased, to raise a Sum of Money towards the Liquidation of his Debts, by Mortgage of his devised Estates in the County of Devon, instead of selling certain Leasehold Hereditaments in the County of Cornwall; and to enable the said Trustees to convey the Reversion in Fee Simple in the same Hereditaments, vested in them for that Purpose under the Will of the Reverend John Molesworth Saint Aubyn deceased, to the Uses of the said Will and Codicil of the said Sir John Saint Aubyn, so as to convert such Leaseholds into a Fee Simple Estate in possession; and for other Purposes.
 34. An Act for the better Support and better Regulation of the Hospital of the Holy Jesus, founded in the Manors in the Town and County of Newcastle-upon-Tyne at the Costs and Charges of the Mayor and Burgesses of the Town of

Newcastle-upon-Tyne in the County of the Town of Newcastle-upon-Tyne aforesaid, and for confirming Sales and other Dispositions made of Estates formerly Part of the Possessions of the said Hospital; and for other Purposes; and for repealing an Act of the last Session of Parliament for the same Purposes.

35. An Act to authorize the Construction of a Canal on the Estates devised by the Will of the late Mr. Jonathan Passingham, for the Transport of Bricks manufactured on such Estates, and to enable the Trustees of the Will to complete the Purchase of an adjoining Estate contracted for by them; and for other Purposes.

PRIVATE ACTS,

NOT PRINTED.

36. An Act to dissolve the Marriage of Robert Montgomery Martin Esquire with Jane Avis Frances Martin his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

37. An Act to extend the Relief given by an Act of the Sixth and Seventh Years of the Reign of Her present Majesty,

intituled 'An Act to declare that certain Persons therein mentioned are not Children of the Most Honourable George Ferrers Marquis Townshend.'

38. An Act to dissolve the Marriage of Thomas Brooks with Mary his now Wife, and to enable him to marry again; and for other Purposes.

| | Cap. | Relating to. | | Cap. | Relating to. |
|---|------|--------------|---|------|--------------|
| Epidemic Diseases, to authorize for One Year the Removal of Prisoners from the several Gaols in Cases of | 45. | I. | to the Office of Director in Chancery towards the Payment of Debts incurred in completing | 20. | S. |
| Exchequer Bills, raising 18,310,700 <i>l.</i> by, for the Service of 1847 | 19. | U.K. | Grain, to suspend until 1st September 1847 the Duties on the Importation of | 1. | U.K. |
| Excise, to continue until 31st July 1848 certain Allowances of the Duty of, on Soap used in Manufactures | 41. | G.B. | — to suspend until 1st March 1848 the Duties on the Importation of | 64. | U.K. |
| — (Commissioners of), transferring to them from the Commissioners of Stamps and Taxes the Collection and Management of the Duties in respect of Stage Carriages, Hackney Carriages, and Railway Passengers | 42. | G.B. | — to allow until 1st September 1847 the Importation of, from any Country in Foreign Ships | 2. | U.K. |
| Factories, limiting the Hours of Labour of young Persons and Females in | 29. | U.K. | — to allow until 1st March 1848 the Importation of, from any Country in any Ships | 86. | U.K. |
| Fairs, for consolidating in One Act certain Provisions usually contained in Acts for constructing or regulating | 14. | G.B. & I. | Greenwich Out-Pensioners, amending the Acts for rendering effective the Service of | 54. | U.K. |
| Fees payable to the Office of the Director in Chancery towards Payment of Debts incurred in completing the General Register House at Edinburgh, to authorize the Application of certain Sums received on account of | 20. | S. | Hackney Carriages, to transfer the Collection and Management of the Duties in respect of, from the Commissioners of Stamps and Taxes to the Commissioners of Excise | 42. | G.B. |
| Females, limiting the Hours of Labour of, in Factories | 29. | U.K. | Harbours; for the further Improvement of Fishery Piers and Harbours | 75. | I. |
| Fever, to amend, and continue until 1st November 1847, 9 & 10 Vict. c. 6, for making Provision for the Treatment of poor Persons afflicted with | 22. | I. | Harbours, Docks, and Piers, for consolidating in One Act certain Provisions usually contained in Acts authorizing the making and improving of | 27. | G.B. & I. |
| Fisheries (Mussel), for the Protection of | 92. | S. | Heirs, to amend the Law and Practice as to the Service of | 47. | S. |
| Fishery Piers and Harbours, for the further Improvement of | 75. | I. | Heritable Securities for Debt, to facilitate the Constitution and Transmission of, and to render the same more effectual for the Recovery of Debts | 50. | S. |
| Flour, to suspend until 1st September 1847 the Duties on the Importation of | 1. | U.K. | Herring Fishery, to increase the Number of Trustees for, and to direct the Application of the Funds granted for the Promotion of Manufactures and Improvements | 91. | S. |
| — to suspend until 1st March 1848 the Duties on the Importation of | 64. | U.K. | Highway Rates, to continue, until 1st October 1848, 4 & 5 Vict. c. 59, for authorizing the Application of, to Turnpike Roads | 93. | E. |
| — to allow until 1st September 1847 the Importation of, from any Country in Foreign Ships | 2. | U.K. | Holyhead, to empower the Commissioners of Woods to purchase Lands for the Purpose of a Harbour of Refuge at or near | 76. | E. |
| — to allow until 1st March 1848 the Importation of, from any Country in any Ships | 86. | U.K. | House of Commons Costs Taxation; for the more effectual Taxation of Costs on Private Bills in the House of Commons | 69. | G.B. & I. |
| — See Mandioca Flour. | | | Importation. See Biscuit. Buck Wheat. Corn. Flour. Grain. Indian Corn. Maize. Mandioca Flour. Meal. Potatoes. Rice. | | |
| Gaols, to authorize for One Year the Removal of Prisoners from, in cases of epidemic Diseases | 45. | I. | Inclosure of Lands, authorizing in pursuance of the Second Report of the Inclosure Commissioners | 25. | E. |
| Gasworks, for supplying Towns with Gas; for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of | 15. | G.B. & I. | Inclosure of Commons, to extend the Provisions of 8 & 9 Vict. c. 118, for | 111. | E. |
| General Acts: | | | Indemnity Act, annual | 18. | U.K. |
| Cemeteries Clauses | 65. | E. & I. | Indian Corn and Indian Corn Meal, to suspend until 1st September 1847 the Duties on the Importation of | 3. | U.K. |
| Commissioners Clauses | 16. | G.B. & I. | — to suspend until 1st March 1848 the Duties on the Importation of | 64. | U.K. |
| Gasworks Clauses | 15. | G.B. & I. | — to allow until 1st March 1848, the Importation of, from any Country in any Ships | 86. | U.K. |
| Harbours, Docks, and Piers Clauses | 27. | G.B. & I. | Insolvent Debtors, to make Alterations in the Jurisdiction of the Court for the Relief of | 102. | E. |
| Markets and Fairs Clauses | 14. | G.B. & I. | | | |
| Police Clauses | 89. | E. & I. | | | |
| Towns Improvement Clauses | 34. | E. & I. | | | |
| Waterworks Clauses | 17. | G.B. & I. | | | |
| General Register House, Edinburgh, to authorize the Application of certain Sums received on account of the Fees payable | | | | | |

| Cap. | Relating to. | Cap. | Relating to. |
|---|--------------|---|---------------|
| Jews Marriages, solemnized before certain Periods, to remove Doubts as to | 58. E. & I. | Maize, to suspend until 1st of March 1848 the Duties on the Importation of | 64. U.K. |
| Joint Stock Companies, to amend 7 & 8 Vict. c. 110, for the Registration, Incorporation, and Regulation of | 78. E. | Manchester, for establishing the Bishoprick of Mandioca Flour, to suspend until 1st of March 1848 the Duties on the Importation of | 108. E. |
| Juvenile Offenders, for the more speedy Trial and Punishment of | 82. E. | _____ to allow until 1st of March 1848 the Importation of, from any Country in any Ships | 64. U.K. |
| Labouring Poor. <i>See</i> Poor. | | Manufactures, to continue until 31st of July 1848 certain Allowances of the Duty of Excise on Soap used in | 86. U.K. |
| Land, authorizing the Inclosure of certain Lands in pursuance of the Second Report of the Inclosure Commissioners | 25. E. | _____ and Improvements, to direct the Application of the Funds granted for the Promotion of | 41. G.B. |
| _____ and other Heritages not held in Burgage Tenure, to facilitate the Transference of | 48. S. | Marine Forces (Royal), annual Act for the Regulation of, while on Shore | 91. S. |
| _____ and other Heritages held in Burgage Tenure, to facilitate the Transference of _____ <i>See</i> Drainage of Land. | 49. S. | _____ for limiting the Time of Service in Markets, for consolidating in one Act certain Provisions usually contained in Acts for constructing and regulating | 12. U.K. |
| Landed Property, to facilitate the Improvement of | 32. I. | _____ 1847 the Importation of, from any Country in Foreign Ships | 63. U.K. |
| _____ to facilitate the temporary Investment of Trust Monies for the Improvement of | 46. I. | _____ to allow until 1st of March 1848 the Importation of, from any Country, in any Ships | 14. G.B. & I. |
| Leith, for improving the Harbour and Docks of Letters, for giving further Facilities for the Transmission of, by Post, and for regulating the Postage thereon | 114. S. | Metropolitan Police (Dublin), to regulate the Superannuation Allowances of | 58. E. & I. |
| _____ (Threatening), extending the Provisions of the Law respecting _____ Limerick (County of the City of), to provide for the Repayment of Sums due by, for Advance of Public Money for the Improvement of the Navigation of the River Shannon | 85. U.K. | Militia, to suspend until 1st of October 1848 the making of Lists, and the Ballots and Enrolments for | 1. U.K. |
| Loan to New Zealand Company, to authorize Loan of 8,000,000 <i>l.</i> raising | 66. E. & I. | _____ annual Act for the Pay, Clothing, &c. of the disembodied Militia; to grant Allowances in certain Cases to Subaltern Officers, &c., and to authorize the Employment of the Non-Commissioned Officers | 64. U.K. |
| _____ allowing the Subscriptions to, to be paid up under Discount | 74. I. | Mutiny Act, annual, for the Army | 2. U.K. |
| Loans towards defraying the Expense of making certain Railways, to authorize the Advance of Money out of the Consolidated Fund for | 112. U.K. | _____ for the Royal Marine Forces while on Shore | 86. U.K. |
| _____ for Drainage and other Works of public Utility, to provide additional Funds for | 9. U.K. | Naturalization of Aliens | 100. I. |
| Loan Societies, to continue, until 1st October 1848, 3 & 4 Vict. c. 110. to amend the Laws relating to | 36. U.K. | Naval Mutiny, amending 22 Geo. 2. c. 38. Naval Prisons, for the Establishment of | 68. G.B. & I. |
| London Bridge Approaches Fund, to vary the Priorities of the Charges made on | 73. I. | Naval Service of Boys, for extending the Period of | 88. G.B. & I. |
| Lunatic Asylums (Private), to continue until 31st of July 1848, 5 & 6 Vict. c. 123. for amending the Law relative to | 106. I. | Navy, for the Prevention of Desertion from the Newfoundland, to render Permanent certain Parts of 5 & 6 Vict. c. 120. for amending the Constitution and Government of | 92. S. |
| _____ for Counties and Boroughs, for amending the Laws relating to the Provision and Regulation of | 53. E. | New Zealand, to promote Colonization in, and to authorize a Loan to the New Zealand Company | 12. U.K. |
| Magistrates, amending 3 & 4 Will. 4. c. 77. for providing for the Appointment and Election of, for certain Burghs and Towns | 115. E. | Offenders, amending 5 Geo. 4. c. 84. as to the Custody of | 13. U.K. |
| Maize, to allow until 1st of September 1847 the Importation of, from any Country in Foreign Ships | 40. I. | _____ (Juvenile), for the more speedy Trial and Punishment of | 83. U.K. |
| _____ to allow until 1st of March 1848 the Importation of, from any Country in any Ships | 43. E. | | 59. U.K. |
| _____ to suspend until 1st of September 1847 the Duties on the Importation of | 39. S. | | 62. U.K. |
| | 2. U.K. | | 30. U.K. |
| | 86. U.K. | | 62. U.K. |
| | 3. U.K. | | 44. U.K. |
| | | | 112. U.K. |
| | | | 67. G.B. & I. |
| | | | 82. E. |

| | Cap. | Relating to. | Cap. | Relating to. |
|--|--------|--------------|--|---------------|
| Offices and Employments, annual Indemnity Act for Persons neglecting to qualify for Out-Pensioners (Chelsea and Greenwich), to amend the Acts for rendering effective the Service of | 18. | U.K. | respect of Stock in Trade, or other Property to the Relief of | 77. E. |
| Parliamentary Elections, to regulate the Stations of Soldiers during | 21. | G.B. | Poor, to amend the Laws relating to the Removal of, from England and Scotland . . | 33. G.B. |
| Passengers Act, to amend, and to make further Provision for the Carriage of Passengers by Sea | 103. | U.K. | Portland (Isle of), empowering the Commissioners of Woods to purchase Land for the Purposes of a Harbour of Refuge and Breakwater in | 24. E. |
| Passengers by Railway, to transfer the Collection and Management of the Duties in respect of, from the Commissioners of Stamps and Taxes to the Commissioners of Excise | 42. | G.B. | Port Natal, to make legal the Collection of certain Duties at | 56. U.K. |
| Peers, Representative, for the Correction of certain Abuses which have frequently prevailed at the Election of | 52. | S. | Post Office, for giving further Facilities for the Transmission of Letters by Post, and for regulating the Duties of Postage thereon, and for other Purposes relating to Potatoes, to allow until 1st September 1847 the Importation of, from any Country in Foreign Ships | 85. U.K. |
| Pensioners, to amend the Acts for rendering effective the Service of Chelsea and Greenwich Out-Pensioners | 54. | U.K. | _____ to allow until 1st March 1848 the Importation of, from any Country in any Ships | 2. U.K. |
| Piers, consolidating in One Act certain Provisions usually contained in Acts authorizing the making and improving of . . | 27. | G.B. & I. | _____ to allow until 1st March 1848 the Importation of, from any Country in any Ships | 86. U.K. |
| Police, amending 3 & 4 Will. 4. c. 46, to enable Burghs to establish a general System of | 39. | S. | Poundage on Chelsea Pensions, abolishing . | 4. U.K. |
| Police (Dublin), to regulate Superannuation Allowances of | 100. | I. | Precepts from Chancery, to amend the Practice with regard to | 51. S. |
| Police of Towns, for consolidating in One Act certain Provisions usually contained in Acts for regulating | 89. | E. & I. | Print Works, to amend the Law as to the School Attendance of Children employed in | 70. G.B. & I. |
| Polling at Elections, limiting the Time for, in Counties of Cities, Counties of Towns, and Boroughs | 81. | I. | Prisoners, authorizing for One Year the Removal of, from the several Gaols in Cases of epidemic Diseases | 45. I. |
| Poor, for the temporary Relief of | 7. | I. | Prisons, enabling the Commissioners of Public Works to purchase Land for . . | 26. I. |
| _____ to render valid certain Proceedings for the Relief of Distress by the Employment of | 10. | I. | _____ (Naval), for the Establishment of . | 62. U.K. |
| _____ to make further Provision for the Relief of the Destitute | 31. | I. | Private Bills in the House of Commons, for the more effectual Taxation of Costs on . | 69. G.B. & I. |
| _____ to amend 9 & 10 Vict. c. 107, for facilitating the Employment of, in distressed Districts, so far as relates to Compensation for Damages | 80. | I. | Private Lunatic Asylums. <i>See</i> Lunatic Asylums. | |
| _____ to authorize a further Advance of Money for the Relief of | 55. I. | | Public Monies advanced for the Relief of Distress, to facilitate the Recovery of . . | 87. I. |
| _____ for the Punishment of Persons offending against the Laws for the Relief of . . | 84. | I. | Public Works, Commissioners of, enabled to purchase Lands for Prisons | 26. I. |
| _____ to facilitate the Recovery of public Monies advanced for the Relief of Distress, by the Employment of the labouring Poor . | 87. | I. | _____ to repeal 9 & 10 Vict. c. 85, for authorizing a further Issue of Money in aid of. | 106. I. |
| _____ to provide for the Execution of the Laws for the Relief of | 90. | I. | Quakers Marriages solemnized before certain Periods, to remove Doubts as to | 58. E. & I. |
| _____ to amend, and continue until 1st November 1847, 9 & 10 Vict. c. 6, for making Provision for the Treatment of poor Persons afflicted with Fever | 22. | I. | Railway Passengers, to transfer the Collection and Management of the Duties in respect of, from the Commissioners of Stamps and Taxes to the Commissioners of Excise | 42. G.B. |
| _____ for the Administration of the Laws for the Relief of | 109. | E. | Railways, to authorize the Advance of Money out of the Consolidated Fund for Loans towards defraying the Expense of making certain | 73. I. |
| _____ to amend the Laws relating to the Removal of, until 1st October 1848 | 110. | E. | Recovery of Public Monies advanced for the Relief of Distress, to facilitate | 87. I. |
| _____ to continue until 1st October 1848 the Exemption of the Inhabitants of Parishes, &c. from Liability to be rated as such, in | | | Register House (General) at Edinburgh, to authorize the Application of certain Sums received on account of the Fees payable to the Office of Director in Chancery towards the Payment of Debts incurred in completing | 20. S. |
| | | | Relief of Distress. <i>See</i> Poor. | |
| | | | Removal of Poor. <i>See</i> Poor. | |
| | | | Removal of Prisoners. <i>See</i> Prisoners. | |

| | Cap. | Relating to. | | Cap. | Relating to. |
|--|------|--------------|--|------|--------------|
| Representative Peers, for the Correction of certain Abuses which have frequently prevailed at the Elections of | 52. | S. | Superannuation Allowances of the Constabulary Force, and the Dublin Metropolitan Police, to regulate | 100. | I. |
| Review, Court of, abolishing | 102. | E. | Supplies, Appropriation of | 107. | U.K. |
| Rice, to allow until 1st September 1847 the Importation of, from any Country in Foreign Ships | 2. | U.K. | Taxation of Costs on Private Bills in the House of Commons, for the more effectual | 69. | G.B. & I. |
| — to allow until 1st March 1848 the Importation of, from any Country in any Ships | 86. | U.K. | Threatening Letters, to extort Money, for extending the Provisions of the Law respecting | 66. | E. & I. |
| — to suspend until 1st September 1847 the Duties on the Importation of | 3. | U.K. | Tithes, to explain the Acts for the Commutation of, and to continue the Officers appointed under the said Acts until 1st October 1850 | 104. | E. |
| — to suspend until 1st March 1848 the Duties on the Importation of | 64. | U.K. | Towns, for consolidating in One Act certain Provisions usually contained in Acts for paving, draining, cleansing, lighting, and improving | 34. | E. & I. |
| Royal Marines, annual Act for Regulation of, while on Shore | 12. | U.K. | Transference of Lands, to facilitate the Transference of Lands and other Heritages not held in Burgage Tenure | 48. | S. |
| — limiting the Time of Service in the | 63. | U.K. | — to facilitate the Transference of Lands and other Heritages held in Burgage Tenure | 49. | S. |
| School Attendance of Children employed in Print Works to amend the Law as to | 70. | G.B. & I. | Trust Funds, for better securing, and for the Relief of Trustees | 96. | E. |
| Service of Boys in Her Majesty's Navy, extending the Period of | 30. | U.K. | Trust Monies, to facilitate the temporary Investment of, in the Improvement of Landed Property | 46. | I. |
| Service in the Army, limiting the Period of | 37. | U.K. | Turnpike Roads, to continue until 31st July 1848 certain Acts for regulating | 35. | I. |
| Service in the Marines, limiting the Time of Service of Heirs, to amend the Law and Practice as to | 47. | S. | — to continue, until 1st October 1848, 4 & 5 Vict. c. 59. for authorizing the Application of Highway Rates to | 93. | G.B. |
| Shannon Navigation, to provide for the Repayment of Sums due by the County of the City of Limerick for Advances of public Money for the Improvement of | 74. | I. | — to continue certain Turnpike Acts until 1st October, 1848 | 105. | E. |
| Ship Biscuit, to suspend until the 1st March 1848 the Duties on the Importation of | 64. | U.K. | — in South Wales for the further Amendment of the Laws relating to | 72. | W. |
| — to allow until 1st March 1848 the Importation of, from any Country in any Ships | 86. | U.K. | Vagrants, to make Provision for the Punishment of | 84. | I. |
| Ships, Vessels, and Forces by Sea, for amending 22 Geo. 2. c. 33. for amending, &c. the Laws relating to the Government of His Majesty's | 59. | U.K. | Van Diemen's Land Company, to amend 6 Geo. 4. c. 39. for granting certain Powers and Authorities to | 57. | U.K. |
| Soap used in Manufactures, to continue until 31st July 1848 certain Allowances of the Excise Duty on | 41. | G.B. & I. | Wash-houses (Public), to amend 9 & 10 Vict. c. 74. for the Establishment of | 61. | E. |
| Soldiers, to regulate the Stations of, during Parliamentary Elections | 21. | G.B. | Waterworks for supplying Towns with Water, for consolidating in one Act certain Provisions usually contained in Acts authorizing the making of | 17. | G.B. & I. |
| — See Army. | | | Woods, &c., Commissioners of, empowered to purchase Land for the Purposes of a Harbour of Refuge and Breakwater in the Isle of Portland | 24. | E. |
| Spirits, to further encourage the Distillation of, from Sugar | 6. | U.K. | — empowered to purchase Lands for the Purpose of a Harbour of Refuge at or near Holyhead | 76. | E. |
| Stage Carriages, to transfer the Collection and Management of the Duty in respect of, from the Commissioners of Stamps and Taxes to the Commissioners of Excise | 42. | G.B. | Young Persons, limiting the Hours of Labour of, in Factories | 29. | U.K. |
| Stamps and Taxes (Commissioners of), to transfer from, to the Commissioners of Excise the Collection and Management of the Duties in respect of Stage Carriages, Hackney Carriages, and Railway Passengers | 42. | G.B. | | | |
| Stock in Trade Exemption, to continue until 1st October, 1848 | 77. | E. | | | |
| Sugar, to allow the Use of, in Brewing Beer | 5. | U.K. | | | |
| — to further encourage the Distillation of Spirits from | 6. | U.K. | | | |

THE LAW JOURNAL.

NEW SERIES.

BANKRUPTS, CERTIFICATES, AND DIVIDENDS,

ADVERTISED IN THE LONDON GAZETTE

DURING THE YEAR

1847.

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MDCCCXLVII.

DIVIDENDS.

Date of Fiat.

- 1846, ENGLAND George, of Brimscombe, in Minchinhampton, Gloucestershire, clothier; div.
- 1837, GRIFFITHS William, of Great Malvern, Worcestershire, draper and grocer; second div.
- 1846, PALMER Henry James, of Wantage, Berkshire, grocer; div.
- 1846, RUMSEY John, of Dean-street, Shadwell, Middlesex, glue-piece maker and manure dealer; div.
- 1846, THOMPSON Thomas, of No. 17, St. James's-street, Brighton, Sussex, grocer; div.
- 1846, UNWIN Stephen, the elder, Fisher Unwin, and Stephen Unwin, the younger, carrying on the business of woolstaplers, at Coggeshall, Essex, under the firm of S. F. & S. Unwin; divs.

Gazette, Friday, January 8.**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

- BARNARD William Richard, of Midhurst, in the county of Sussex, upholsterer.—Official assignee, Cannan.—Sol. Galworthy, Ely-place. Fiat, Dec. 31. Pet. Cr. John Wood, of No. 149, Minorities, cabinet-manufacturer.
- BOHN James, of No. 66, St. James's-street, in the county of Middlesex, bookseller, *d. c.*—Official assignee, Groom.—Sols. Dickson & Overbury, Frederick's-place, Old Jewry. Fiat, Jan. 4. Pet. Cr. Robert Lee, of No. 108, St. Martin's-lane, carpenter.
- BOTTOMLEY William, of Honley, in the parish of Almondbury, in the county of York, millwright.—Official assignee, Hope.—Sols. Sudlow & Co. Chancery-lane, and Floyd, Huddersfield. Fiat, Dec. 28. Pet. Cr. Thomas Schofield, of Almondbury, innkeeper.
- BOURQUIN Francis Henry, of Northampton-square, Clerkenwell, in the county of Middlesex, watch-manufacturer and importer.—Official assignee, Cannan.—Sol. Spyer, Broad-street-buildings. Fiat, Jan. 4. Bankrupt's own petition.
- BRAND William Ferries, now or late of Wigan, in the county of Lancaster, draper, *d. c.*—Official assignee, Hobson.—Sols. Reed & Langford, Friday-street, and Sale & Co. Manchester. Fiat, Jan. 2. Pet. Crs. Robert Holmes, of Manchester, Jonathan Reel and Thomas Reel, his copartners, merchants, and William Hobday and Lewis Roberts, merchants, Manchester.
- CORBETT John, of Mansfield, in the county of Nottingham, wool-dealer, *d. c.*—Official assignee, Freeman.—Sols. Johnson & Co. Temple, and Bowley, Nottingham. Fiat, Dec. 23. Pet. Cr. John Heald, of Mansfield, book-keeper.
- DAWN Andrew, of Mansfield, in the county of Nottingham, draper, hatter, *d. c.*—Official assignee, Freeman.—Sols. Johnson & Co. Temple, and Bowley, Nottingham. Fiat, Jan. 4. Bankrupt's own petition.
- EDMONSTONE Charles, of Over Darwen, in the county of Lancaster, paper-manufacturer, bleacher, finisher, coal-dealer, *d. c.*—Official assignee, Fraser.—Sols. Reed & Langford, Friday-street, and Sale & Co. Manchester. Fiat, Dec. 26. Pet. Cr. Isaac Neild, of Over Darwen, book-keeper.
- FISHER Henry, of No. 6, Great Tower-street, in the city of London, broker, *d. c.*—Official assignee, Graham.—Sol. Taylor, Fenchurch-street. Fiat, Jan. 4. Bankrupt's own petition.
- FITNESS John, of Addington, in the county of Kent, bricklayer, grocer, and general shopkeeper.—Official assignee, Belcher.—Sols. Bower & Son, Chancery-lane. Fiat, Dec. 23. Pet. Crs. Thomas and William Laurance, of Maldstone, grocers.
- IVENS Edmund Masters, of Long Itchington, in the county of Warwick, salesman.—Official assignee, Whitmore.—Sol. Ratclaw, Rugby. Fiat, Dec. 28. Bankrupt's own petition.
- JOHNSON William, of High-street, Hampstead, in the county of Middlesex, builder, carpenter and undertaker, *d. c.*—Official assignee, Bell.—Sols. Lawrance & Pews, Old Jewry Chambers. Fiat, Jan. 4. Bankrupt's own petition.
- MORRIS Richard, of the city of Gloucester, coach-builder and livery-stable keeper, *d. c.*—Official assignee, Millar.—Sol. Wilkes, Gloucester. Fiat, Dec. 21. Bankrupt's own petition.

CERTIFICATES to be allowed January 29.

- Creigh Benjamin, of Newcastle, cartwright, (partner with Thomas Russell Creigh).
- Lambert John, of New Elvet, grocer.
- Neale John, of Fleet-street, printer, (partner with Neville Smith and Thomas Lyttleton Holt).

DIVIDENDS.

Date of Fiat.

- 1846, BARTON George, and John Barton, both of Manchester, Lancashire, copper roller manufacturers and copartners in trade, carrying on business under the firm of M. Barton & Co., the said John Barton lately carrying on business as a calico-printer with William Nelson Wilson; div.
- 1843, BARWISE Jackson, of No. 16, Pall-mall, Middlesex, house decorator and paper-hanger; div.
- 1841, BURTON William, of No. 28, King-street, Soho, Middlesex, upholsterer; div.
- 1843, ELLIOTT John, of Chichester, Sussex, builder; div.
- 1846, FOWLER Anselm Colton, of Louth, Lincolnshire, draper; final div.
- 1842, GREEN Edward, of Clifford-street, Bond-street, Middlesex, tailor; div.
- 1846, HARRISS James, of Leadenhall-market, London, butcher; div.
- 1846, JACKSON George, the younger, of Hertford, upholsterer; div.
- 1841, MARSHALL John, of Birch-in-lane, London, merchant; div.
- 1841, OLDHAM William Edwin, of Manchester, Lancashire, commission-agent; div.
- 1837, OPENSHAW Richard Walker, of Prestwich-cum-Oldham, Lancashire, common brewer and victualler; third div.
- 1846, PANSELL William, of High-street, Poplar, Middlesex, grocer and cheesemonger; div.
- 1846, PATTIE David, of St. Alban's-place, Edgeware-road, Middlesex, stationer; div.
- 1846, PAYNE John, of Tower-hill, in the Castle precincts, Bristol, millwright and engineer; div.
- 1846, PHILLIPS Joseph, William Hague, and Samuel Hague, all of Manchester, Lancashire, cotton-spinners, lately carrying on business there under the style or firm of Joseph Phillips & Co., and which said William Hague and Samuel Hague also lately carried on the business of commission-agents at Manchester; divs.
- 1846, WILSON Thomas, of Sheffield, Yorkshire, grocer; div.
- 1846, WOOLCOTT Henry, of No. 19, Museum-street, Bloomsbury, Middlesex, fringe-manufacturer; div.
- 1846, WRIGHT Jane, of Manchester, Lancashire, widow, lately carrying on business and trading at Salford, Lancashire, as a victualler and tavern-keeper; div.

Gazette, Tuesday, January 12.**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

- ELWORTHY John Barrington, of Bridgwater, in the county of Somerset, draper, *d. c.*—Official assignee, Green.—Sols. Reed & Langford, Friday-street, and Pain, Bridgwater. Fiat, Jan. 2. Pet. Crs. Thomas Puzey and William Pallett, of Broad-street, warehousemen.
- GEMMILL John, the younger, of Liverpool, in the county of Lancaster, ship-broker, *d. c.*, late in copartnership with John Gemmill, the elder, of the same place, trading under the firm of John Gemmill & Co.—Official assignee, Morgan.—Sols. Kearns, Red Lion square, and Todd, Liverpool. Fiat, Jan. 4. Bankrupt's own petition.
- HOSKINS Joseph Thomas, of Vanbrugh House, Blackheath, in the county of Kent, boarding-house keeper, *d. c.*—Official assignee, Edwards.—Sols. Lawrance & Pews, Old Jewry Chambers. Fiat, Jan. 8. Pet. Cr. Thomas Jarvis, of Blackheath, wood-engraver.
- PARSONS John, of Medway-street, Horseferry-road, Westminster, in the county of Middlesex, and of No. 27, Horseferry-road above, said, baker and corn-dealer.—Official assignee, Whitmore.—Sols. Holmer & Son, Bridge-street, Southwark. Fiat, Jan. 8. Bankrupt's own petition.

PICKARD John, the younger, of the city of Exeter, hatter, *d. c.*, carrying on business at the same city.—Official assignee, Hirtzel.—Sols. Geare & Co. Exeter, and Finch & Co. Lincoln's Inn-fields. Fiat, Jan. 8. Bankrupt's own petition.

SAMSON Robert William, of Essex Wharf, near the Strand, in the county of Middlesex, coal-merchant.—Official assignee, Turquand.—Sol. Thackthwaite, Essex-street, Strand, Fiat, Jan. 8. Bankrupt's own petition.

WHITE Andrew, of Frederick Lodge and Tunstall Lodge, both in the parish of Bishopwearmouth, in the county of Durham, coal-owner, ship-owner and merchant, now residing at Rye-hill, in Newcastle-upon-Tyne, in the county of Northumberland.—Official assignee, Wakley.—Sols. Crosby & Compton, Church-court, and Hoyle, Newcastle. Fiat, Jan. 1. Pet. Cr. Ralph Hutchinson, of Monkwearmouth, ship-builder.

CERTIFICATES to be allowed February 2.

Baker Robert, of Christchurch, farmer.
Holmes Francis, of Southtown, ship-builder, (partner with James Holmes).
Jarvis James, of Great Bush-lane, wine-merchant, (partner with Joseph Jarvis).
Jenkins John, of Symmond's-street, cowkeeper.
Miller Thomas, of Mansell-street, oilman.

DIVIDENDS.

Date of Fiat.

- 1844, **BARKER** Robert, of Manchester, Lancashire, druggist; div.
 1842, **DAVIES** David, the elder, and David Davies, the younger, both of Glanelywedog, in Llanidloes, Montgomeryshire, flannel-manufacturers; joint div., and sep. div. of Davies, sen.
 1846, **DOCKER** Henry, of Pall-mall, Middlesex, oilman and wax chandler; div.
 1846, **GARSED** Joshua, the elder, and Joshua Garsed, the younger, both of Leeds, Yorkshire, flax-manufacturers, and carrying on business at Leeds, under the style or firm of Joshua Garsed & Co.; second div.
 1846, **GLASS** Francis, of No. 7, Basinghall-street, London, woollen factor and warehouseman; div.
 1842, **HUNNYBUN** James, of Cambridge, ironmonger; div.
 1846, **KENNEDY** Lawrence, of Nos. 1 and 2, Rochester-terrace, Stoke Newington, Middlesex, pawnbroker; div.
 1845, **KERR** Frederic, of Harley-street, St. Marylebone, Middlesex, and of Pentrahellen, Salop, and of No. 3, Peter's-terrace, Hammersmith, Middlesex, bookseller and publisher; div.
 1843, **KILLICK** Charles, and John Sadd, of No. 16, Blackman-street, Southwark, Surrey, paper-stainers, trading under the style or firm of Killick & Sadd; div.
 1845, **PARFITT** William, of Bristol, engineer and beer-house keeper; div.
 1846, **PARSONS** John, of Wolverhampton, Staffordshire, edge tool manufacturer; div.
 1845, **REES** Thomas, of Liverpool, Lancashire, porter and ale brewer; div.

Gazette, Friday, January 15.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- 3ENBOW** Thomas, of Llanidloes, in the county of Montgomery, draper and grocer.—Official assignee, Bird.—Sols. Weeks, Cook's-court, Drew & Co. Newtown, and Mason, Liverpool. Fiat, Dec. 30. Pet. Cr. Richard Woosnam, of Llanidloes, flannel-draper.
IANCOCK James, of Weston super Mare, in the county of Somerset, builder and plasterer.—Official assignee, Acraman.—Sols. Peters & Abbot, Bristol. Fiat, Jan. 8. Bankrupt's own petition.
HILTON James, of Victoria-street, in Manchester, in the county of Lancaster, stock and share broker, *d. c.*—Official assignee, Fraser.—Sols. Abbott, Charlotte-street, and Atkinson & Co. Manchester. Fiat, Jan. 8. Bankrupt's own petition.

2. BANK.—1847.

LANGRIDGE Henry, of Liverpool, in the county of Lancaster, stay-manufacturer, *d. c.*—Official assignee, Turner.—Sols. Walker, Furnival's Inn, and Bradley, Liverpool. Fiat, Jan. 8. Bankrupt's own petition.

MABSON George Moulton, of No. 43, High-street, Whitechapel, in the county of Middlesex, and of No. 4, Whitechapel-road, in the said county, potato-dealer, *d. c.*—Official assignee, Follett.—Sol. Baddeley, Leman-street. Fiat, Jan. 12. Bankrupt's own petition.

MOSELEY George, of Bakewell, in the county of Derby, auctioneer and innkeeper, *d. c.*—Official assignee, Hobson.—Sols. Fiddey, Temple, Retson, Sheffield, and Woodburne, Manchester. Fiat, Dec. 29. Pet. Cr. William Horribin, of Sheffield, merchant.

MUSSELWHITE John, of No. 3, Cromwell-lane, Old Brompton, in the parish of St. Mary Abbots, Kensington, in the county of Middlesex, cowkeeper, dealer in eggs, and dairyman, *d. c.*—Official assignee, Belcher.—Sol. Buchanan, Basinghall-street. Fiat, Jan. 12. Bankrupt's own petition.

PARK George, of No. 41, Bury-street, in the parish of St. James, Westminster, in the county of Middlesex, tailor.—Official assignee, Pennell.—Sols. A'Beckett & Co. Golden-square. Fiat, Jan. 13. Pet. Cr. Alexander Masters Bidgood, Thomas Jones, and Arthur Wilson, of Vigo-street, woollen-drappers.

PLEWS John, of Store-street, Bedford-square, in the county of Middlesex, timber-merchant.—Official assignee, Edwards.—Sol. Turnley, Ludgate-street. Fiat, Jan. 9. Pet. Cr. William Stout, of Hornsey-lane, Highgate, gent.

RAINY Alexander, of No. 14, Regent-street, Piccadilly, in the county of Middlesex, estate-agent and auctioneer.—Official assignee, Green.—Sol. Frampton, Gray's Inn. Fiat, Jan. 15. Bankrupt's own petition.

ROBERTS George, of the town and county of the town of Southampton, in the county of Hants, grocer and cheesemonger, *d. c.*—Official assignee, Groom.—Sol. Wright & Bonner, London-street, Fenchurch-street. Fiat, Jan. 9. Pet. Cr. Cornelius Ruck and John Ruck, of Tooley-street, provision-merchants.

TIMMIS Joseph, of Newcastle-under-Lyme, in the county of Stafford, lately carrying on business at Chesterton, in the said county, in copartnership with John Benson Browne, as common brewers, and at Newcastle-under-Lyme aforesaid, as wine and spirit merchants, *d. c.*—Official assignee, Valpy.—Sol. Harding, Newcastle. Fiat, Jan. 8. Bankrupt's own petition.

TWEED Edward Johnson, of Sidney-street, Cambridge, in the county of Cambridge, victualler.—Official assignee, Cannan.—Sols. Clark & Davidson, Essex-street. Fiat, Jan. 11. Bankrupt's own petition.

CERTIFICATES to be allowed February 5.

Allen William, of Wheeler-street, scale-board manufacturer.
Bateman Thomas, of Coventry, victualler.
Claxton John, of Bankside, coal-merchant, (partner with William Wells).
Ditchman John, of Thurlow-place, Hackney-road, builder.
Savage Thomas, of Nunney, butcher and innkeeper.
Sewell Edward, of Old Bond-street, hatter.
Snaith Thomas, and George Snaith, of Bishop Auckland, ironmongers and plumbers.
Stout James, of Liverpool, boot-maker.
Unwin Stephen, sen., Fisher Unwin, and Stephen Unwin, jun., of Coggeshall, woolstaplers.
Watson Robert, of York, silk-merc.

DIVIDENDS.

Date of Fiat.

- 1846, **CROW** Robert, of Newcastle-upon-Tyne, draper; first div.
 1841, **DAINTRY** John Smith, and John Ryle, both of Manchester, Lancashire, bankers, late carrying on business at Manchester, with William Richard Ravenscroft, the said John Ryle also carrying on the business of a banker at Macclesfield, Cheshire; fur. div. of Ryle.
 1846, **DODGSON** John, and George Bradbury, of Bishopgate-street Without, and Moor-lane, Fore-street, London, ironmongers and mustard manufacturers; div.
 1846, **HAWLEY** Samuel, of Ashton-under-Lyne, Lancashire, grocer and provision dealer; div.
 1846, **HINDMARSH** Joseph, of Liverpool, Lancashire, woollen draper and tailor; div.

Date of Fiat.

- 1841, JONES John, and Jahn Boon, both of Burslem, Staffordshire, and lately carrying on business at Burslem and Tunstall, as ironmongers, under the style or firm of Jones & Boon; div. of Jones.
- 1846, LILLY Edwin, (trading under the firm of Edwin Lilly & Co.) of Kingston-upon-Hull, mahogany merchant; first div.
- 1841, SALFORD William Walker, of Stockport, Cheshire, timber-merchant and builder; first div.
- 1846, TURNER John, of No. 24, Brooke-street, Holborn, Middlesex, manufacturer of and dealer in printing materials and trader; div.
- 1846, WRAGG Jonathan, of Melina-place, Westminster-bridge-road, Surrey, iron-merchant; div.

Gazette, Tuesday, January 19.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ANDREWS Henry, lately of No. 3, Angel-place, Islington, in the county of Middlesex, plumber, painter, glazier and paper-hanger, *d. c.*—Official assignee, Graham.—Sol. Pilcher, New Broad-street. Fiat, Jan. 11. Pet. Crs. Samuel Giles Pilcher, John Giles Pilcher, Jeremiah Pilcher, and John Dendy Pilcher, of Morgan's-lane, Tooley-street, oil-merchants.
- DELF John, of No. 166, Drury-lane, in the county of Middlesex, linen-draper and haberdasher.—Official assignee, Graham.—Sol. Pullen, Basinghall-street. Fiat, Jan. 16. Pet. Cr. Robert Siminton, of No. 19, Moore-street, St. Giles's, linen-draper.
- DOREY Joseph, and John Hiskens, of Powis-street, Woolwich, in the county of Kent, brewers and copartners.—Official assignee, Belcher.—Sols. Miller & Carr, Eastcheap. Fiat, Jan. 18. Bankrupt's own petition.
- EDWARDS John, of No. 3, Nag's Head-court, Gracechurch-street, in the city of London, ironmonger and commission-agent.—Official assignee, Turquand.—Sols. Phillips & Co. Sise-lane. Fiat, Jan. 14. Bankrupt's own petition.
- GOULTY John, of Stangate, Lambeth, and Bankside, Southwark, both in the county of Surrey, mast and oar maker, and of the Rising Sun, Fair-street, Horselydown, in the county of Surrey, licensed victualler, *d. c.*—Official assignee, Edwards.—Sols. Messrs. Lewis, Ely-place, Holborn. Fiat, Jan. 15. Bankrupt's own petition.
- LIGHTFOOT Thomas, of the town and county of the town of Nottingham, grocer, *d. c.*—Official assignee, Bittleston.—Sol. Coope, Nottingham. Fiat, Jan. 9. Bankrupt's own petition.
- PARRY John Dixon, of Manchester, in the county of Lancaster, share-broker and share-dealer.—Official assignee, Pott.—Sols. Johnson & Co. Temple, and Potter, Manchester. Fiat, Dec. 31. Bankrupt's own petition.
- SHARP George, and Samuel Sharp, both of No. 30, Commercial-road, Lambeth, in the county of Surrey, stone-masons and merchants, *d. c.* and late copartners.—Official assignee, Pennell.—Sols. Lawrance & Pews, Old Jewry Chambers. Fiat, Jan. 18. Bankrupt's own petition.
- SLOANE Michael, of No. , Lower James-street, in the city and borough of Bath, in the county of Somerset, licensed horse-dealer.—Official assignee, Millar.—Sol. Gray, Bristol. Fiat, Jan. 13. Bankrupt's own petition.
- STRONG Robert, of the parish of Box, in the county of Wilts, quarry-master and dealer in stone.—Official assignee, Acraman.—Sol. Gray, Bristol. Fiat, Jan. 13. Bankrupt's own petition.
- WILES William, late of York-row, Kennington-road, in the county of Surrey, and now of Dulwich, in the same county, pawnbroker.—Official assignee, Belcher.—Sols. Lawrance & Pews, Old Jewry Chambers. Fiat, Jan. 11. Pet. Crs. Robert Debenham and William Bromit Storr, of No. 26, King-street, Covent-garden, auctioneers.

CERTIFICATES to be allowed February 9.

- Birley John, of Eccles, card-manufacturer.
- Copner Henry, of Ludlow, mercer.
- Fryer James Joseph, of Birchin-lane, stock-broker.
- Hildrow William, of Darlington, grocer.
- Kerschner George Frederick, of Holloway, victualler.
- Wells William, of Bankside, coal-merchant, (partner with John Claxton).

DIVIDENDS.

Date of Fiat.

- 1846, BALDOCK William, of Nottingham, grocer and flour-dealer; div.
- 1844, BRENTNALL Elijah, of Elizabeth Cottage, Cold Harbour-road, Surrey, draper; div.
- 1846, CALWAY Bartholomew, of Tooley-street, Southwark, Surrey, draper; final div.
- 1846, CRANE Thomas, of Kegworth, Leicestershire, common brewer; first and final div.
- 1836, DOUGLAS Henry Alexander, of Winchester House, Old Broad-street, London, merchant, carrying on business with Samuel Anderson and John Anderson, under the style or firm of Douglas, Anderson & Co.; fur. joint div.
- 1846, GRAHAM Joseph, of Jewry-street, Aldgate, London, wholesale stationer; div.
- 1844, JOHNSON John Cottingham, of No. 3, Laurence Pountney-hill, Cannon-street, London, merchant; fur. div.
- 1846, LEAMAN Andrew Valentine, and William Andrew, late of John-street, Tottenham-court-road, and afterwards of No. 110, Fenchurch-street, London, wholesale mahogany, rosewood, and deal merchants; div.
- 1846, MASSEY John, of Etruria, Staffordshire, gas-fitter and engineer; div.
- 1841, MITCHELL Rowland, of Lime-street, London, merchant; div.
- 1846, OAKLEY Thomas, of Kingsbury Farm, St. Albans, Hertfordshire, farmer and dealer in oil-cake; fur. div.
- 1846, SHAW Frederick, of Manchester, Lancashire, eating-house keeper; first div.
- 1843, STOCKTON Alfred, and William Utton, of Halkin-street, Belgrave-square, Middlesex, coach-makers; diva.
- 1846, TRING, Reading and Basingstoke Railway Company, now or late of No. 26, New Broad-street, London; div.

Gazette, Friday, January 22.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ASHBY Charles, of Bishop's Stortford, in the county of Herts, tailor.—Official assignee, Bell.—Sol. Jackson, New Inn, Strand. Fiat, Jan. 20. Pet. Cr. Andrews Jackson, of Queen-street, Cheapside, woollen warehouseman.
- BARNES Robert, of King-street, Hammersmith, in the county of Middlesex, ironmonger, *d. c.*—Official assignee, Pollett.—Sols. Holmer & Son, Bridge-street, Southwark. Fiat, Jan. 20. Bankrupt's own petition.
- BOWYER Thomas, of the Strand, in the city of Westminster, book-seller, late carrying on business in partnership with Thomas Gilbert Sherwood, under the firm of Messrs. Sherwood & Bowyer, as booksellers, in the Strand aforesaid.—Official assignee, Bell.—Sol. Hudson, Bucklersbury. Fiat, Jan. 20. Bankrupt's own petition.
- CLARKE Thomas, lately carrying on the trade or business of a licensed victualler and maltster, at Cheltenham, in the county of Gloucester, on his own account, but at present of the same place, assisting in the trade of a licensed victualler.—Official assignee, Hutton.—Sol. Lovegrove, Gloucester. Fiat, Jan. 12. Bankrupt's own petition.
- ELLETT Elizabeth, of the Turk's Head Inn, Cowick-street, in the parish of St. Thomas the Apostle, in the county of Devon, inn-keeper.—Official assignee, Hirtzell.—Sols. Fryer, Exeter, and Makinson & Sanders, Temple. Fiat, Jan. 9. Bankrupt's own petition.
- GANDELL John Haskins, formerly of High-street, Cheltenham, in the county of Gloucester, then of Hanover-street, Liverpool, in the county of Lancaster, and lately residing at Rock Ferry, in the county of Chester, *d. c.*—Official assignee, Bird.—Sols. Shuttleworth, Gray's Inn, and Tyrer, Liverpool. Fiat, Jan. 18. Pet. Cr. Thomas William Harop, of No. 1, Lower Calthorpe-street, Middlesex, gentleman.

JOHNSON John, of Chelmsford, in the county of Essex, grocer.—Official assignee, Whitmore.—Sols. Harrison & Dobree, Hart-street, Bloomsbury. Fiat, Jan. 19. Pet. Cr. Thomas Wright, of Giltspur-street, cheesemonger.

SEVER Cornelius Joseph, of Leeds, in the county of York, baker and flour-seller, *d. c.*—Official assignee, Kynaston.—Sols. Strangeways, Barnard's Inn, and Robinson, Leeds. Fiat, Jan. 18. Bankrupt's own petition.

SKINNER William, of Dale Hall, in the parish of Burslem, in the county of Stafford, licensed victualler, *d. c.*—Official assignee, Christie.—Sol. Williams, Hanley. Fiat, Jan. 12. Bankrupt's own petition.

SLOUGH Josiah, of Twickenham, in the county of Middlesex, baker and coal-merchant.—Official assignee, Johnson.—Sol. Ablett, New-castle-street, Strand. Fiat, Jan. 20. Bankrupt's own petition.

WELLS William Christopher, of No. 11, Claremont-terrace, Pentonville, Middlesex, and at No. 15, Poultry, in the city of London, merchant, commission-agent and share-broker, *d. c.*—Official assignee, Whitmore.—Sol. Buchanan, Basinghall-street. Fiat, Jan. 19. Bankrupt's own petition.

WENMAN Joseph, of Birkenhead, in the county of Chester, wine-merchant.—Official assignee, Cazenove.—Sols. Gregory & Co. Bedford-row, and Watson, Liverpool. Fiat, Jan. 11. Pet. Cr. William Butterfield Colton and John Caspar Colton, of Liverpool, wine-merchants.

CERTIFICATES to be allowed February 12.

Franklin George Benjamin, of Shrewsbury, printer.
Hambridge Charles, of Curtain-road, and Milner's-mews, Paddington, coach-smith.
Imray William, of Liverpool, stationer.
Kirkpatrick Robert, of Manchester, iron-founder, (partner with James Featherstone).
Knight John, of Birmingham, timber-merchant.
Lea Richard, of Bewdley, surgeon.
Marston John, of Birmingham, surgeon.
Pidwell Joseph, of Falmouth, furnishing ironmonger.
Rawlinson John, of Spalding, tailor.

DIVIDENDS.

Date of Fiat.
1846, **KNIGHT** John, of Waterloo House, in Preston, Lancashire, mercer and draper; final div.
1841, **POTTER** George, Samuel Potter, and John Krauss, of Manchester, Lancashire, and of Birkacre, near Chorley, said county, calico-printers, and trading at Manchester and Birkacre aforesaid, under the firm of George & Samuel Potter; final div.
1845, **RAMSDEN** James, and James Ramsden, the younger, of Armley, in the county of York, cloth-manufacturers and worsted-spinners; first joint div., and first and final sep. div. of James Ramsden.
1846, **STOUT** James, of Liverpool, Lancashire, boot and shoe maker; div.
1846, **TYNLEY** William, and Richard Smith Potts, of the Old Change, London, common carriers; joint and sep. divs.

Gazette, Tuesday, January 26.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

CRAMP John, of Garlinge, in the parish of St. John's, Margate, cowkeeper.
DALE James, jun., of Summer-street, Southwark, carman and carrier.
O'HANLON Patrick, of Liverpool, draper.

TOWN AND COUNTRY FIATS.

ACKROYD William, of Idle, in the parish of Calverley, in the county of York, grocer and tea-dealer, *d. c.*—Official assignee, Young.—Sols. Williamson & Co. Gray's Inn, and Cariss, Leeds. Fiat, Jan. 22. Bankrupt's own petition.

CANNABE Joseph James, of No. 6, Pulteney-bridge, in the city of Bath, in the county of Somerset, fringe-manufacturer, *d. c.*—Official assignee, Hutton.—Sols. Rickards & Co. Lincoln's Inn-fields, and Drake, Bath. Fiat, Jan. 21. Bankrupt's own petition.

CHRISTIAN Edward, of Liverpool, in the county of Lancaster, shipsmith.—Official assignee, Morgan.—Sols. Oliver, Old Jewry, and Hodgson, Liverpool. Fiat, Jan. 20. Bankrupt's own petition.

DOBB Charles, of Rotherham, in the county of York, mason and builder, innkeeper, *d. c.*—Official assignee, Freeman.—Sols. Taylor, John-street, Bedford-row, and Badger, Rotherham. Fiat, Jan. 16. Bankrupt's own petition.

M'LAURIN Andrew Scott, formerly of Gutter-lane, in the city of London, and now of Bradford, in the county of York, warehouseman and commission-agent.—Official assignee, Hope.—Sols. Reed & Co. Friday-street, and Richardson, Leeds. Fiat, Jan. 21. Bankrupt's own petition.

NEWSTEAD Thomas, of Bridge-street, in the parish of St. Andrew, in the city of Norwich, linen-draper, *d. c.*—Official assignee, Green.—Sols. Torkington, New Bridge-street, and Tillett & Co. Norwich. Fiat, Jan. 23. Bankrupt's own petition.

NOTWILL John, carrying on business as a grocer, and also the trade or business of a baker, in the town of Falmouth, in the county of Cornwall.—Official assignee, Hernaman.—Sols. Moorman, Falmouth, Bishop & Pitts, Exeter, and Tippetts, Pancras-lane. Fiat, Jan. 19. Bankrupt's own petition.

REYNOLDS William, the younger, of Leeds, in the county of York, confectioner and fruiterer.—Official assignee, Hope.—Sols. Jones & Co. John-street, Bedford-row, and Harle & Clarke, Leeds. Fiat, Jan. 21. Bankrupt's own petition.

RICHARDS Owen, of Fleet-street, in the city of London, law book-seller.—Official assignee, Turquand.—Sol. Lewis, Gray's Inn-square. Fiat, Jan. 20. Pet. Crs. Alfred Wilson, Charles John Venables, William Tyler, and David Kidd, of Queenhithe, stationers.

RICKETTS Frederick, and Trevenon James, both of No. 8, Moor-gate-street, in the city of London, merchants and copartners, trading together under the firm of Ricketts, James & Co.—Official assignee, Cannan.—Sols. Tilson & Co. Coleman-street. Fiat, Jan. 23. Pet. Crs. Thomas Govenor & Co. of the Copper Mines, No. 37, Old Broad-street.

ROBINSON John, and Thomas Turlay, both of Leeds, in the county of York, share-brokers and copartners in trade, *d. c.*—Official assignee, Kynaston.—Sols. Few & Co. Henrietta-street, and Upton, Leeds. Fiat, Jan. 21. Bankrupt's own petition.

SLOAN John Thomas Kent, of Manchester, in the county of Lancaster, tavern-keeper, confectioner, *d. c.*—Official assignee, Hobson.—Sols. Wathen, Basinghall-street, and De Lara, Manchester. Fiat, Jan. 23. Bankrupt's own petition.

SMITH Thomas, of Manchester, in the county of Lancaster, commission agent, *d. c.*—Official assignee, Pott.—Sols. Abbott, Charlotte-street, Bedford-square, and Atkinson & Co. Manchester. Fiat, Jan. 15. Pet. Crs. Thomas Gartride, of Oldham, and Zachaeus Mayhall, his copartner, cotton-spinners.

WILKIN Marmaduke, of Lincoln's Inn, in the county of Middlesex, lately carrying on business at Philpot-lane, in the city of London, as a ship and insurance broker, heretofore under the style or firm of M. Wilkin & Co., and lately in copartnership with Samuel Percival, under the style or firm of Wilkin & Percival.—Official assignee, Pennell.—Sol. Espin, New Boswell-court. Fiat, Jan. 23. Bankrupt's own petition.

CERTIFICATES to be allowed February 16.

Churchyard James, of Cole Harbour-lane, Brixton, carpenter.
Gaunt Richard, of Kirk Deighton, rape-dust merchant.
Morris Thomas, of Newcastle in Emlyn, draper.
Palmer Henry James, of Wantage, grocer.
Shaw John, of Bolton-le-Moors, joiner.
Thompson Thomas, of Brighton, grocer.

DIVIDENDS.

Date of Fiat.
1846, **CAMERON** William, of Newcastle-upon-Tyne, confectioner; div.
1846, **CRAWSHAW** George, and George Davison, the younger, of Leeds, Yorkshire, soap-boilers and cloth-merchants, carrying on business at Leeds, under the style or firm of Crawshaw & Davison; first joint div., and sep. div. of Crawshaw.

Date of Fiat.

- 1844, CROSS William, of Chester, lead-merchant and distiller; div.
- 1845, HODGES William, of No. 13, Kingsgate-street, Holborn, Middlesex, clothworker, presser and packer; div.
- 1841, KNIGHT James, of Wigan and Haydock, both in Lancashire, butcher and tanner; div.
- 1846, LINNITT John, of Argyll-place, Regent-street, Middlesex, goldsmith and jeweller; div.
- 1841, MARSHALL Beaumont, of High Holborn, Middlesex, tallow melter, trading under the firm of John Marshall & Sons; div.
- 1846, OXToby Robert, of Wansford, Yorkshire, and William Christopher Oxtoby, of Great Driffield, Yorkshire, millers, corn-factors, flour-merchants, coal-merchants, spirit-merchants, and seed-factors, carrying on business at Wansford and Great Driffield aforesaid, and at Scarborough, Bridlington and Beverley, all in Yorkshire, under the firm of Robert Oxtoby & Son; first sep. div. of Robert Oxtoby.
- 1846, RICKARDS Thomas, of Wotton-under-Edge, Gloucestershire, watchmaker and jeweller; div.
- 1846, SPENCE Thomas Henry, of Newcastle-upon-Tyne, tailor and draper; first and final div.

Gazette, Friday, January 29.

BANKRUPTS.**BANKRUPTCY SUPERSEDED.**

HARFORD Daniel, of Birmingham, victualler.

TOWN AND COUNTRY FIATS.

- ARLETT John Brill, of Merthyr Tydfil in the county of Glamorgan, South Wales, linen-draper, *d. c.*—Official assignee, Hutton.—Sols. Buchanan, Basinghall-street, and Bush, Bristol. Fiat, Jan. 25. Bankrupt's own petition.
- ASPINALL John, of Manchester, in the county of Lancaster, cotton-manufacturer, *d. c.* (surviving partner of Charles Cheetham, late of the same place, deceased, and which said John Aspinall and Charles Cheetham carried on business as cotton-manufacturers, under the firm of Cheetham & Aspinall).—Official assignee, Hobson.—Sols. Milne & Co. Temple, and Slater & Heelis, Manchester. Fiat, Jan. 20. Pet. Crs. Richard Birley, of Manchester, cotton-spinner, Thomas Hornby Birley, sen. and Thomas Hornby Birley, jun., his copartners.
- BROWN Robert, of No. 57, Milner-place, Lower Marsh, Lambeth, in the county of Surrey, baker.—Official assignee, Green.—Sol. Southee, Bly-place, Holborn. Fiat, Jan. 28. Bankrupt's own petition.
- CLEVERSLEY William, of Cumberland-place, Old Kent-road, in the county of Surrey, floor-cloth and table-cover manufacturer, and paper-stainer, *d. c.*—Official assignee, Graham.—Sol. Lewis, Gray's Inn-square. Fiat, Jan. 25. Pet. Crs. Alfred Wilson, Charles John Venables, William Tyler, and David Kidd, of Queenhithe, stationers.
- COWPER William Frederick, Benjamin Farrer Cowper, and Paul Edwin Cooper, of Darlington, in the county of Durham, linen-drapers, *d. c.*—Official assignee, Baker.—Sols. Allison, Darlington, Phillipson, Newcastle, and Tilson & Co. Coleman-street. Fiat, Jan. 19. Pet. Cr. Thomas Wright, jun., of Mansfield, Yorkshire, farmer.
- DAVIS Thomas, of Wedmore, in the county of Somerset, tailor and draper, *d. c.*—Official assignee, Acraman.—Sol. Sheppard, Wells. Fiat, Jan. 23. Bankrupt's own petition.
- FISKE Thomas Hammond, of Portsmouth, in the county of Hants, ironmonger, *d. c.*—Official assignee, Graham.—Sols. Taylor & Co. Great James-street, Bedford-row. Fiat, Dec. 21. Pet. Crs. William King and Charles Scott, of Red Lion-street, watch manufacturers.
- FLOWER James, the younger, of Stonehouse, in the county of Devon, brewer.—Official assignee, Hernaman.—Sols. Were, Plymouth, and Blake, Blackfriars-road. Fiat, Jan. 18. Pet. Cr. James Flower, of Weymouth, maltster.

HELLIWELL Thomas, of Halifax, in the county of York, stock and share broker, auctioneer, *d. c.*—Official assignee, Young.—Sols. Gregory & Co. Bedford-row, and Wavell, Halifax. Fiat, Jan. 9. Pet. Cr. Edmund Minson Wavell, of Halifax, gent.

IRELAND Robert Hill, of the town and county of the town of Nottingham, licensed victualler.—Official assignee, Bittleston.—Sol. Brown, Nottingham. Fiat, Jan. 15. Bankrupt's own petition.

JARMAN Joseph, formerly of Prospect-place, Mile-end-road, in the county of Middlesex, linen-draper, afterwards of Brighton, in the county of Sussex, toymen and jeweller, *d. c.*, and now of Brunswick-terrace, Walworth-road, in the county of Surrey, out of business.—Official assignee, Cannan.—Sols. Messrs. Gole, Lime-street. Fiat, Jan. 27. Bankrupt's own petition.

LEIPOLD Johann, of Birmingham, in the county of Warwick, music-seller, *d. c.*—Official assignee, Whitmore.—Sol. Tarrant, Birmingham. Fiat, Jan. 22. Bankrupt's own petition.

M'CREDIE James, of Stroud, in the county of Gloucester, tea-dealer.—Official assignee, Acraman.—Sol. Smalbridge, Gloucester. Fiat, Jan. 23. Bankrupt's own petition.

OGDEN James, of Reddish, in the county of Lancaster, cotton-spinner.—Official assignee, Fraser.—Sols. Keightley & Co. Chancery-lane, and Cunliffe & Co. Manchester. Fiat, Jan. 23. Bankrupt's own petition.

PULLAN Thomas Holmes, of Sheffield, in the county of York, hosier, *d. c.*—Official assignee, Freeman.—Sols. Tattershall, Great James-street, and Broadbent, Sheffield. Fiat, Jan. 8. Bankrupt's own petition.

QUINCEY William, of No. 115, Old-street, St. Luke's, in the county of Middlesex, tin-plate worker, *d. c.*, trading under the firm or style of Robert Howard & Co.—Official assignee, Groom.—Sol. Bevan, Old Jewry. Fiat, Jan. 19. Pet. Crs. James Budd and Edward Ladbroke Budd, of Paul's Wharf, Upper Thames-street, tin-plate merchants.

SHELTON Lavender, of Hitchin, in the county of Hertford, licensed hawker, shoe-dealer, milliner, *d. c.*—Official assignee, Follett.—Sols. Chappell, Golden-square, and Bentley, Hitchin. Fiat, Jan. 22. Bankrupt's own petition.

CERTIFICATES to be allowed February 19.

- Ayres Henry, of Liverpool, jeweller.
- Brown John, and Thomas Brown, of Newport, brick-makers.
- Dorington Charles, of Digswell-hill, miller.
- Fowler George Frederick Town, of Catherine-street, newspaper proprietor.
- Gouldsbrough Henry, of Manchester, share-broker.
- Lee William, of Brompton, brick-maker, (partner with John Howard).
- Lerew William Hopeful, of Upper Norton-street, apothecary.
- Little Thomas, of Hull, tobacco-manufacturer.
- May James, of Redruth, stationer and printer.

DIVIDENDS.

Date of Fiat.

- 1845, CHAILIN James, of Odiham, Southampton, brewer and maltster; div.
- 1846, COLES Joseph, of No. 233, Strand, Middlesex, tobaccoist; div.
- 1846, COLLINS William Louis, of Wood-street, Westminster, brewer; div.
- 1846, COLLINS William, of Rugby, Warwickshire, tailor; div.
- 1845, CROFTS George Charles, of Liverpool, Lancashire, corn-merchant; div.
- 1846, DENT Mary, of York, widow, bookseller; first div.
- 1843, DUNN Richard, and Richard Dacre Dunn, trading at Wakefield, Yorkshire, as corn-factors and merchants, under the style or firm of Richard Dunn & Son; first and final div. of Richard Dunn.
- 1846, DUNSFORD William James, of King-square, Bristol, surgeon; div.
- 1842, HOUNSFIELD William, of Manchester, Lancashire, commission-merchant; second div.
- 1846, RAINS Horatio, of Newton Wood, in Newton, Cheshire, boiler-maker and innkeeper; div.
- 1846, SPENCE John, of No. 1, Queen-street, Charles-square, Hoxton, Middlesex, dealer in china, glass and earthenware; div.

Date of Fiat.

- 1846, WILSON Thomas, Charles Kirkman Wilson, and William Wilson, all of Liverpool, Lancashire, linen-drappers, lately trading at Liverpool, under the firm of Thomas Wilson & Sons, and which said Charles Kirkman Wilson and William Wilson are now trading at Liverpool, under the firm of Charles Kirkman Wilson & Brother; joint div. of Thomas Wilson & Sons, and joint div. of Charles Kirkman Wilson & Brother.
- 1846, WYATT Thomas, late of the City Saw Mills, Speedwell-street, Oxford, and now residing at No. 1, Oxford-terrace, King's-road, Chelsea, Middlesex, builder, timber-merchant, and coal-agent; div.

Gazette, Tuesday, February 2.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

HARDY John, and George Hardy, of Wisbech St. Peter's, grocers.

TOWN AND COUNTRY FIATS.

- BAILEY Thomas, of Wolverhampton, in the county of Stafford, printer, *d. c.*—Official assignee, Christie.—Sols. Foster & Gough, Wolverhampton. Fiat, Jan. 25. Bankrupt's own petition.
- JOHNSON Henry, of Sheffield, in the county of York, merchant and manufacturer, *d. c.*—Official assignee, Freeman.—Sols. Duncan, Featherstone-buildings, and Unwin, Sheffield. Fiat, Jan. 25. Bankrupt's own petition.

KIRKMAN John, formerly of Newark-upon-Trent, in the county of Nottingham, but now of the town and county of the town of Nottingham, wine-merchant.—Official assignee, Bittleston.—Sol. Brown, Nottingham. Fiat, Jan. 29. Bankrupt's own petition.

MOSS Leah, of No. 1, Liverpool-buildings, Liverpool-street, Bishopsgate, in the city of London, out of business, lately carrying on the business of a tobacconist and manufacturer of cigars, under the name, style and firm of L. Moss & Co., and some time since trading with one Lewis Levy, at No. 1, Liverpool-street aforesaid, as tobacconists and manufacturers of cigars, under the name, style and firm of Levy & Moss.—Official assignee, Pennell.—Sol. Carpenter, Union-court, Broad-street. Fiat, Jan. 28. Bankrupt's own petition.

PRIOR John, of the parish of St. Blazey, in the county of Cornwall, tailor, *d. c.*—Official assignee, Hernaman.—Sols. Carlyon, St. Austell, Bell & Co. Lincoln's Inn-fields, and Gidley, Exeter. Fiat, Jan. 26. Bankrupt's own petition.

SKIPWORTH Thomas, of Bolton, in the county of Lincoln, clerk, miller, brick-maker, *d. c.*—Official assignee, Kynaston.—Sols. Bell, Bedford-row, and Blackburn, Leeds. Fiat, Jan. 25. Pet. Cr. Frederick Hawkesley Cartwright, of Bawtry, gent.

SMITH Edward, of Parsonage-street, in the parish of Dursley, in the county of Gloucester, apothecary, *d. c.*—Official assignee, Hutton.—Sols. Henderson, Bristol, and Bishop, Lincoln's Inn-fields. Fiat, Jan. 29. Bankrupt's own petition.

SMYRK Charles Frederick, of No. 13, Lavina-grove, Wharf-road, in the county of Middlesex, builder.—Official assignee, Groom.—Sols. Pocock & Poole, Bartholomew-close. Fiat, Jan. 25. Pet. Cr. John Murdoch, of Furnival's Inn, attorney.

CERTIFICATES to be allowed February 23.

- Bedford John Henry, of Bristol, artists' colourman.
- Hare James, of New-street, Dorset-square, draper.
- Hindmarsh Joseph, of Liverpool, woollen-draper.
- Hodgson Ebenezer, of Richmond, ironmonger.
- Lloyds Richard Cripps, of Liverpool, printer.
- Thomas Thomas, of Istock, draper.

DIVIDENDS.

Date of Fiat.

- 1846, CLAY William, and James Clay, of Sowerby Bridge, in Halifax, Yorkshire, woollen-manufacturers; div.
- 1846, COWIE Henry, and James Clark, both of Liverpool, Lancashire, merchants, ship-owners, ship-brokers, and commission-agents; sep. div. of Cowie.
- 1844, DEAN Charles, of Southampton, coach-builder; div.

Date of Fiat

- 1846, HALL Joseph, of Carlisle, Cumberland, victualler and inn-keeper; first div.
- 1838, HILEY John, of Bordesley, in Aston-juxta-Birmingham, Warwickshire, builder; final div.
- 1846, HUMFREY John, of Hockley, in Packwood and Tamworth, Warwickshire, coal, lime and timber dealer; div.
- 1845, KEMP James Colquhoun, of Liverpool, Lancashire, merchant; div.
- 1842, LOONEY William, late of Whitehaven, Cumberland, cooper and herring curer; final div.
- 1846, NAIL Joseph Henry, of No. 7, John-street, Tottenham-court-road, Middlesex, builder; div.
- 1811, WESTON John, of Liverpool, Lancashire, merchant, (partner with William Rigg, of Liverpool, merchant, and Isaac Milburne, late of Liverpool, but now of Guadeloupe, merchant); div.

Gazette, Friday, February 5.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BRADLEY Samuel, of No. 82, Mark-lane, in the city of London, corn and malt factor.—Official assignee, Belcher.—Sols. Husband & Wyatt, Moorgate. Fiat, Jan. 25. Pet. Cr. Henry Mayor, of No. 11, Wellington-street, Southwark, hop-merchant.

COWPER William Frederick, Benjamin Farrer Cowper, and Paul Edwin Cowper (and not Paul Edwin Cooper, as before stated), of Darlington, in the county of Durham, linen-drappers, *d. c.*—Official assignee, Baker.—Sols. Allison, Darlington, Phillpson, Newcastle, and Tilson & Co. Coleman-street. Fiat, Jan. 19. Pet. Cr. Thomas Wright, jun., of Manfield, Yorkshire, farmer.

ELAM Joseph, of Etham-place, Kent-street, in the county of Surrey, rag-manufacturer, *d. c.*—Official assignee, Belcher.—Sol. Wilson, Aldermanbury. Fiat, Jan. 28. Pet. Cr. Jeremiah Carter and Edward Carter, of Basinghall-street, warehousemen.

FABRY John, of Stratfieldsaye, in the county of Hants, grocer and general dealer, *d. c.*—Official assignee, Johnson.—Sols. Holmes & Co. Bedford-row. Fiat, Jan. 27. Pet. Cr. Matthew Howard, of Manea Fen, Isle of Ely, brick-maker.

FAIRHURST Thomas Brown, of Liverpool, in the county of Lancaster, painter, plumber and glazier.—Official assignee, Morgan.—Sols. Vincent, Temple, and Atkinson, Liverpool. Fiat, Feb. 2. Bankrupt's own petition.

FLETCHER Alexander, of No. 5, Shaftesbury-terrace, Piccadilly, in the county of Middlesex, bookseller and stationer.—Official assignee, Turquand.—Sols. Baylis & Co. Basinghall-street. Fiat, Feb. 2. Bankrupt's own petition.

GANDELL John Haskins, and John Brunton, of Birkenhead, in the county of Chester, commission-agents, *d. c.*—Official assignee, Turner.—Sols. Parker & Co. Gray's Inn, and Reade & Searle, Birkenhead. Fiat, Jan. 25. Pet. Cr. Stainton Bailiff, of Birkenhead, plumber and glazier.

HALLETT Charles, and Charles Parker, both of Thornton-street, Dockhead, Bermondsey, in the county of Surrey, and of No. 102, Minories, in the city of London, linen-drappers, in copartnership, under the firm of Parker & Hallett.—Official assignee, Graham.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Feb. 2. Bankrupt's own petition.

MESSENGER George, of Uxbridge, in the county of Middlesex, draper, *d. c.*—Official assignee, Johnson.—Sols. Reed & Langford, Friday-street. Fiat, Feb. 2. Pet. Crs. Henry Hooton and John Lupton, of Bread-street, warehousemen.

ROSS John, of Enderby, near Leicester, in the county of Leicester, woolstapler, *d. c.*—Official assignee, Valpy.—Sol. Smith, Birmingham. Fiat, Feb. 1. Bankrupt's own petition.

TITLEY John, of No. 194, High-street, Southwark, in the county of Surrey, woollen-draper, *d. c.*, trading under the style or firm of John Titley & Co.—Official assignee, Bell.—Sols. Sole & Turner, Aldermanbury. Fiat, Feb. 1. Pet. Cr. William Jones, of Basinghall-street, warehouseman.

YOUNG Thomas, of Canterbury, in the county of Kent, leather-seller, *d. c.*—Official assignee, Edwards.—Sol. Ford, Bloomsbury-square. Fiat, Jan. 30. Pet. Cr. Josiah Oasler, of White's-grounds, Bermondsey, currier.

CERTIFICATES to be allowed February 26.

Broady Thomas, of Chester, chemist.
Burton Arthur, of Pimlico, coal-merchant.
Hubbard John, of Ramsgate, auctioneer.
Lester John, of Penygelle Lodge, near Wrexham, farmer.
Rifford John George, of Holloway, brewer.

DIVIDENDS.

Date of Fiat.

- 1846, **BARKER** William, of Tottington Higher End, Lancashire, cotton-spinner and manufacturer; div.
- 1845, **BATT** John, and Thomas Batt, of Old Broad-street, London, dealers in silk and silkmen; joint div.
- 1846, **BRADLAY** William, of Richmond-terrace, Richmond-hill, in Leeds, Yorkshire, flax-spinner; first div.
- 1846, **BULLEN** Joseph Keed, of Peterborough, Northamptonshire, tailor, draper and hatter; div.
- 1844, **CLARKE** Robert, and John Burgess, of the Coal Exchange, London, coal-factors; div.
- 1841, **CURTIS** Timothy Abraham, of Tokenhouse-yard, London, merchant, as a trader indebted together with his partner, Nicholas Garry, carrying on business under the firm of Garry & Curtis; div. of Curtis.
- 1816, **CUTHBERT** James, and Michael Clarke, the younger, of Colchester-street, Savage-gardens, London, wine-merchants; div.
- 1840, **DENEW** James, of Charles-street, Berkeley-square, Middlesex, auctioneer and commission agent; div.
- 1846, **DUNKERLEY** John Bowker, of Chorlton-upon-Medlock, in Manchester, Lancashire, draper; div.
- 1843, **FLETCHER** Robert Thomas, of Brentford, Middlesex, money scrivener; div.
- 1842, **FOWELL** Francis Kirkman, and Edmund Thomas Craufurd, of Boulogne sur Mer, in France, and of No. 191, Piccadilly, Middlesex, wine-merchants; div. of Fowell.
- 1845, **HAIGH** James, of Hogley, in Almondsbury, Yorkshire, clothier; div.
- 1813, **HAMILTON** Robert, and William Graham, both of Liverpool, Lancashire, merchants; div.
- 1846, **HARRIS** Charles, of Sheffield, Yorkshire, tailor; div.
- 1841, **HOBHOUSE** Henry William, Johnson Phillott, and Charles Lowder, of Bath, Somersetshire, bankers, carrying on the trade or business of bankers, in Milcom-street, Bath, and in Bradford and Trowbridge, Wiltshire; joint div., and sep. div. of Hobhouse.
- 1842, **LAWRENCE** Benjamin, of Crown-court, Old Broad-street, London, merchant, carrying on business at Zante, with George Henry Lawrence, of that place, under the firm of Lawrence, Sons & Co.; div.
- 1839, **LEE** John Alexander, Edward Holt, Thomas Bell, and William Bookless, all of Liverpool, Lancashire, iron-founders, engineers and millwrights; sep. div. of Lee.
- 1846, **MACQUEEN** Farquhar, late of No. 102, Leadenhall-street, London, then of Hong Kong, a British settlement in the China Seas, and now or late of Macao, a Portuguese settlement in China, merchant, lately trading with Alexander Macdonald, at No. 102, Leadenhall-street, under the firm of Farquhar, Macqueen & Co.; div.
- 1846, **PALMER** William, of No. 399, Strand, Middlesex, hosier; div.
- 1846, **POWELL** Thomas Lambert, of Romsey, Hampshire, cabinet-maker; div.
- 1837, **RANSOM** William, of Stowmarket, Suffolk, corn and flour merchant; div.
- 1846, **ROTHSCHILD** Benjamin Louis Meyer, of Great Queen-street, Lincoln's Inn-fields, Middlesex, diamond-merchant and dealer in precious stones, trading as Louis Meyer Rothschild; div.

Date of Fiat.

- 1844, **SANDYS** Hannibal, William Sandys, and Hannibal Sandys, the younger, of Crane-court, Fleet-street, London, scrivener, lately carrying on business under the firm of Sandys & Sons; div. of Sandys, sen.
- 1845, **SIMS** John, of Tollard Royal, Wiltshire, wheelwright and iron-founder; div.
- 1846, **TAYLOR** Charles, of Birmingham, Warwickshire, brush-manufacturer; div.
- 1846, **YORK** Samuel, of Cambridge, upholsterer; div.

Gazette, Tuesday, February 9.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BLENKARN** William, of Stockwell Park road, in the county of Surrey, builder.—Official assignee, Turquand.—Sol. Hall, Aldermanbury. Fiat, Feb. 6. Bankrupt's own petition.
- BUTTIFANT** Tamazin Sarah, of the city of Norwich, haberdasher and perfumer.—Official assignee, Belcher.—Sols. Shearman, John-street, Adelphi, and Winter, Norwich. Fiat, Feb. 6. Pet. Cr. John Henry Drury, of Norwich, esq.
- DEAN** Richard, of Clitheroe, in the county of Lancaster, grocer and provision dealer, butcher, *d. c.*—Official assignee, Pott.—Sols. Johnson & Co. Temple, Atkinson & Co. Manchester, and Bailey, Clitheroe. Fiat, Jan. 26. Pet. Cra. William Bailey, of Clitheroe, and John Hargreaves, same place, butchers.
- DODGSON** James, of Wakefield, in the county of York, innkeeper, *d. c.*—Official assignee, Hope.—Sols. Clarke, Chancery-lane, Ramsden, Wakefield, and Cariss, Leeds. Fiat, Feb. 2. Bankrupt's own petition.
- GRIMES** Mary, of Winchcomb-street, Cheltenham, in the county of Gloucester, saddler and harness-maker, *d. c.*—Official assignee, Miller.—Sols. Brownley & Co. Gray's Inn, and Chesbire, Cheltenham. Fiat, Feb. 4. Bankrupt's own petition.
- GROSSMITH** William, of Portsmouth, in the county of Southampton, baker.—Official assignee, Pennell.—Sols. Smith & Sons, Southampton-street, and Binstead, Portsmouth. Fiat, Feb. 4. Bankrupt's own petition.
- HAINES** Josiah, of Chipping Barnet, in the county of Hertford, victualler, *d. c.*—Official assignee, Edwards.—Sol. Weymouth, Chancery-lane. Fiat, Feb. 8. Bankrupt's own petition.
- HITCHCOCK** William, of Hogston, in the county of Buckingham, victualler and farmer.—Official assignee, Groom.—Sols. Jones & Co. John-street, and Hatten, Aylesbury. Fiat, Feb. 5. Pet. Cr. Samuel Bernham Dudley, of Winslow, Bucks, auctioneer.
- HOLE** George, of Watchet, within the parish of St. Decumans, in the county of Somerset, coal-merchant.—Official assignee, Hirtzel.—Sols. Warden, Bardon, Stogdon, Exeter, and Royle, Clement's Inn. Fiat, Jan. 25. Pet. Cra. Robert Leigh and Thomas Warden, of St. Decumans, gentls.
- PAYNE** John Henry, of the Nag's Head, High-street, Camberwell, in the county of Surrey, licensed beer retailer.—Official assignee, Follett.—Sols. Piercy & Co. Three Crown-square, Southwark. Fiat, Feb. 5. Pet. Cr. John Macleod, of Camberwell, brewer.
- SPENCER** John, late of Adbolton, in the county of Nottingham, but now of Sneinton, in the same county, nursery and seedsmen.—Official assignee, Bittleston.—Sol. Shilton, Nottingham. Fiat, Feb. 1. Pet. Cr. John Hill, of Standard-hill, Nottingham, lac-manufacturer.
- SPRATT** Thomas, of No. 104, Sloane-terrace, Sloane-square, St. Luke's, Chelsea, in the county of Middlesex, coach-maker, *d. c.*—Official assignee, Cannan.—Sol. Buchanan, Basinghall-street. Fiat, Feb. 5. Bankrupt's own petition.
- THOMPSON** Nathaniel, late of the city of Dublin, in the kingdom of Ireland, but now of Liverpool, in the county of Lancaster, factor, *d. c.*—Official assignee, Bird.—Sols. Bridger & Co. London-wall, and Dodge, Liverpool. Fiat, Feb. 1. Bankrupt's own petition.

CERTIFICATES to be allowed March 2.

Alexander Alexander, and John Alexander, of Exeter, opticians.
 Barker William, of Nottingham, hosier.
 Budd Sally, of Newton Abbot, grocer.
 Coles Joseph, of the Strand, tobacconist.
 Eckstein John, of Notting-hill, ironmonger.
 Fielding George, of Thame, ironmonger.
 Howard John, of Triffreith, brick-maker, (partner with William Lee).
 Jermyn Robert Miller, of Bocking, chemist.
 Levi David, of Birmingham, victualler.

DIVIDENDS.

Date of Fiat.

1846, BOTTLE William, of Dover, Kent, grocer; div.
 1843, CARTWRIGHT Saint John, of Worksop, Nottinghamshire, grocer; second div.
 1846, CUNNINGHAM Samuel, of No. 31, Minerva-place, Hackney-road, Middlesex, proprietor of saw mills and sawyer; div.
 1846, DODGSON John, and George Bradbury, of Bishopsgate-street Without, and Moor-lane, ironmongers and mustard-manufacturers; sep. div. of Bradbury.
 1846, FEARNLEY Joseph, of No. 47, Windsor-terrace, City-road, Middlesex, and late of Swaine-street, Leeds-road, Bradford, Yorkshire, worsted stuff manufacturer; second div.
 1846, GRIFFITHS John, of Liverpool, Lancashire, wholesale stationer; div.
 1846, MANN Robert, of Huntingdon, chemist and druggist; div.
 1841, ROBERTS Thomas, of Holbeck Steam Mills, near Leeds, Yorkshire, corn miller; div.
 1844, ROBERTSON Alexander, and Lewis Henry Folger, of High-street, Shoreditch, Middlesex, cabinet-makers and upholsterers; diva.
 1846, TAPPENDEN Thomas, of No. 3, Friendly-place, Old Kent-road, Surrey, builder; div.

Gazette, Friday, February 12.**BANKRUPTS.****BANKRUPTCY SUPERSEDED.**

MOORE Joseph, of Camden-town, builder.

TOWN AND COUNTRY FIATS.

BENTLEY Stephen, of Birkenhead, in the county of Chester, inn-keeper, *d. c.*—Official assignee, Casanova.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Feb. 5. Bankrupt's own petition.
 BOND John, and Edward Morgan, of No. 25, Oxford-street, in the county of Middlesex, shawl-manufacturers and furriers, *d. c.* and copartners in trade.—Official assignee, Whitmore.—Sol. Lloyd, Milk-street. Fiat, Feb. 3. Pet. Cr. John Worley Burnett, Edwin Leaf, Frederick Scotson, and Thomas Carnegie, of Wood-street, warehousemen.
 BROMLY Benjamin, of Great Bromley, in the county of Essex, dealer in cattle.—Official assignee, Groom.—Sols. Wire & Child, St. Swinib's-lane. Fiat, Feb. 6. Bankrupt's own petition.
 CLARKE John, of No. 6, Great Castle-street, Regent-street, in the county of Middlesex, painter, glazier, house decorator, *d. c.*—Official assignee, Cannan.—Sols. Coome & Co. Bedford-row. Fiat, Feb. 10. Bankrupt's own petition.
 FURLONG Richard Vincent, late of Chepstow, in the county of Monmouth, of Cambray, Cheltenham, in the county of Gloucester, wine and spirit merchant, *d. c.*—Official assignee, Hutton.—Sol. Chesshyre, Cheltenham. Fiat, Feb. 5. Bankrupt's own petition.
 GILLET Thomas, of Gutter-lane, Cheapside, in the city of London, warehouseman, *d. c.*—Official assignee, Bell.—Sol. Teague, Crown-court. Fiat, Feb. 3. Pet. Crs. Anthony Edwards and Robert Edwards, of Lawrence-lane, silk-manufacturers.
 GREIG Robert, and William Rawlings, both of Maiden-lane, King's Cross, in the county of Middlesex, timber-merchants and copartners, *d. c.*—Official assignee, Bell.—Sol. Wootton, Tokenhouse-yard. Fiat, Feb. 11. Pet. Cr. Henry Freeman, of St. Michael's-alley, Cornhill, timber-broker.

HATCH Frederick, of St. John-square, Clerkenwell, in the county of Middlesex, iron-plate worker, *d. c.*—Official assignee, Johnson. Sol. Richardson, Coleman-street. Fiat, Feb. 11. Pet. Cr. Robert Lewis, of Aldersgate-street, merchant.

HOPKINS Francis, of Cambridge, in the county of Cambridge, brewer, *d. c.*—Official assignee, Johnson.—Sols. Ravenscroft, Guildford-street, and Cooper, Cambridge. Fiat, Feb. 4. Pet. Cr. Richard Hindley, of Stapleford, Cambridgeshire, merchant.

LOVETT William, of No. 10, Barossa-terrace, Cambridge-heath, Hackney, in the county of Middlesex, and George Woollard Lovett, of the same place, builders, *d. c.*—Official assignee, Graham.—Sols. Overton & Co. Old Jewry. Fiat, Feb. 8. Pet. Cr. Daniel Norton, of Maclesfield-street, City-road, timber-merchant.

MONK James, of Manchester, in the county of Lancaster, merchant and commission-agent, *d. c.*—Official assignee, Hobson.—Sol. Reed & Langford, Friday-street, and Sale & Co. Manchester. Fiat, Feb. 4. Pet. Cr. Richard Clayton, of Manchester, commission-agent.

PAYNE George David, of No. 31, Saville-row, Regent-street, in the parish of St. James, in the city of Westminster, in the county of Middlesex, tailor, *d. c.*—Official assignee, Green.—Sol. Hensman, Basing-lane. Fiat, Feb. 9. Bankrupt's own petition.

ROUSE John, of Lower Paul-street, in the parish of St. Paul, in the city of Exeter, plumber, *d. c.*—Official assignee, Hirtzel.—Sols. Terrell, Exeter, and Terrell, Gray's Inn-square. Fiat, Feb. 9. Bankrupt's own petition.

CERTIFICATES to be allowed March 5.

Chesterton George, and James Woodall, of Birmingham, glass-manufacturers.

Farley Frederick William, of Liverpool, hatter.

Fitzhugh William Henry, and Robert Edwards Walker, of Liverpool, ship-brokers.

Flint George, of Tamworth, paper-manufacturer.

Ford James, of Birmingham, hosier.

Rudolph Leopold Anton Victor, of Sunderland, general merchant.

Payne John, of Melcombe Regis, tailor.

Wyatt Thomas, of King's-road, builder.

DIVIDENDS.

Date of Fiat.

1846, BARTLETT Charles, of Southampton, merchant; final div.
 1846, GRAHAM Charles William, of No. 10, King's Arms-yard, Coleman-street, London, merchant, trading under the firm of Charles Graham & Co.; div.
 1846, KITSON William, of White-street, Southwark, Surrey, soap-manufacturer; div.
 1842, OSBORN William Henry, the younger, of No. 22, St. James's-street, Piccadilly, Middlesex, silversmith and jeweller; div.
 1846, PEIRSON Thomas, of No. 4, Warwick-court, Holborn, Middlesex, scrivener; div.
 1846, PHILLIPS Joseph, William Hague, and Samuel Hague, all of Manchester, cotton-spinners, lately carrying on business under the style or firm of Joseph Phillips & Co., and which said William Hague and Samuel Hague also lately carried on the business of commission-agents; sep. div. of William Hague.
 1846, PUCKERING Simon, and William Thomas Makins, of Kingston-upon-Hull, woollen-merchants and woollen-draper, trading under the name, style and firm of Puckering & Makins; first div.
 1846, WALTON James, of Leeds, Yorkshire, tailor and draper; first div.
 1840, WILLSON James, of Liverpool, Lancashire, wine-merchant; div.

Gazette, Tuesday, February 16.**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

ALLISON Joseph, of Penrith, in the county of Cumberland, book-seller and stationer.—Official assignee, Wakley.—Sols. Atkinson & Co. Penrith, and Preston & Brown, Newcastle. Fiat, Feb. 5. Bankrupt's own petition.

BROWN Thomas N., of Edgcombe, in the parish of East Stonehouse, in the county of Devon, leather-dealer.—Official assignee, Hernaman.—Sols. Beer & Rundle, Devonport, Penkivil, Finsbury-circus, and Stogdon, Exeter. Fiat, Feb. 8. Pet. Cr. George Henry Blake, of Devonport, victualler.

HUNTER Henry, late of No. 1, Old-street, in the county of Middlesex, confectioner, lately carrying on business in partnership with William Caulfield, under the name, style, or firm of Caulfield & Co., and at the same time and since of No. 16, St. Dunstan's-hill, and of Brook's Wharf, in the city of London, general agent, lately carrying on business in partnership with William Errington Bell, Errington Bell, and Joseph Hargrave, under the name, style or firm of Bell, Hunter & Co.; and at the same time carrying on business at No. 16, St. Dunstan's-hill aforesaid, in partnership with the said William Errington Bell, as discount agents, under the name, style, or firm of W. E. Bell & Co., d. c.—Official assignee, Edwards. Sols. Fourdriner, Scott's-yard, Bush-lane. Fiat, Feb. 12. Bankrupt's own petition.

LAYT Robert, of Hingham, in the county of Norfolk, spirit-merchant and carrier, d. c.—Official assignee, Whitmore.—Sols. Treherne & Co. Barge-yard Chambers. Fiat, Feb. 3. Bankrupt's own petition.

LLEWELYN Jenkin H—, of No. 369, Strand, in the county of Middlesex, surgeon, dealer in medical instruments, d. c.—Official assignee, Green.—Sols. Noyes, Lincoln's Inn-fields. Fiat, Jan. 26. Pet. Cr. George Concannon, of Lincoln's Inn-fields, gent.

PROCTOR Charles, of Witham, in the county of Essex, wine-merchant.—Official assignee, Follett.—Sols. Blood & Douglas, Witham, and Messrs. Vallance, Essex-street, Strand. Fiat, Feb. 5. Pet. Cr. William Nash, of Seymour-place, Fulham-road, gent.

ROCHAT Jules, otherwise Jules Samuel Rochat, late of No. 2, Cornwall-crescent, Camden-town, in the county of Middlesex, and now of No. 29, St. Martin's-lane, in the county of Middlesex, jeweller, watch-maker, d. c.—Official assignee, Graham.—Sols. Edward & Peake, New Palace-yard. Fiat, Feb. 13. Pet. Cr. Samuel Neal Driver, of No. 3, Pump-court, Temple, gent.

SMITH Jonathan, of Eastgate-street, in the city of Gloucester, inn-keeper.—Official assignee, Acraman.—Sols. Jones & Co. Crosby-square, and Smallridge, Gloucester. Fiat, Feb. 11. Pet. Cr. William Thomas, of Gloucester, tailor and draper.

CERTIFICATES to be allowed March 9.

Dodgson John, and **George** Bradbury, of Bishopsgate-street Without, and Moor-lane, ironmongers and mustard-manufacturers.
Goodeve Alfred, of Aldermanbury, warehouseman.
Henderson Alexander, of Old Burlington-street, tailor.
Owen Peter, of Liverpool, miller.
Perry William, of Wolverhampton, iron-founder.
Sugden Robert, of Keighley, manufacturer.

DIVIDENDS.

Date of Fiat.

1846, **BROWNING** Joseph Dodsworth, of Bristol, cabinet-maker; div.
1846, **BURTON** Samuel George, of Sidmouth, Devonshire, gas-manufacturer; first and final div.
1845, **CURTIS** Joseph, of Liakeard, Cornwall, linen and woollen draper; final div.
1843, **GOODENOUGH** Robert, of Newton Abbot, Devonshire, woollen-draper; final div.
1846, **HALLAM** Richard, of Newcastle-under-Lyme, Staffordshire, grocer and tea-dealer; div.
1842, **HARE** Vere, and **John** Hare, of Taunton, Somersetshire, house and estate agents, painters and glaziers; div.
1845, **LEADBEATER** John, of Manchester, Lancashire, merchant, manufacturer of shirtings and calicoes, and commission-merchant; fur, div.
1846, **LONGHURST** Walter, of No. 8, Sussex-terrace, Old Brompton, Middlesex, carpenter, builder and undertaker; div.
1846, **LORD** Abraham, of Collyhurst, in Manchester, Lancashire, dyer; fur, div.
1846, **METFORD** Joseph, the younger, of Southampton, iron-monger; div.
1842, **WONNACOTT** William, of No. 2, Southgate-street, in St. James's, Bath, Somersetshire, grocer; div.
1846, **YATES** Thomas, of Bolton-le-Moors, Lancashire, cotton-manufacturer; first div.

Gazette, Friday, February 19.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ANLEY Jane, of the city of Exeter, milliner.—Official assignee, Hernaman.—Sols. Floud, Exeter, and Pearson, Essex-street. Fiat, Feb. 13. Pet. Crs. James Hears Braund and James Hears, of Exeter, mercers.

BUCHANAN John, and **Francis** Ede, late of Calcutta, in the East Indies, merchants, d. c. and copartners, trading under the firm of Buchanan & Co.—Official assignee, Pennell.—Sol. Dingwall, Tokenhouse-yard. Fiat, Feb. 6. Pet. Crs. William Wallace, of White Lion-court, Cornhill, merchant, and James Hampden Gladstones, surviving partners of Robert King, deceased.

COOK Edwin, of Dursley, in the county of Gloucester, tailor and hatter, d. c.—Official assignee, Miller.—Sol. Bishop, Dursley. Fiat, Feb. 17. Bankrupt's own petition.

DANIELS Abraham, of Alexander-square, Brompton, in the county of Middlesex, merchant.—Official assignee, Edwards.—Sol. Mansfield, John-street, Bedford-row. Fiat, Feb. 17. Pet. Cr. Thomas Wyatt Mansfield, of No. 7, Sise-lane, merchant.

DAVIES David, of Lydney, in the county of Gloucester, coal-mr and merchant.—Official assignee, Hutton.—Sols. Treherne & White, Barge-yard Chambers, and Sabine, Bristol. Fiat, Feb. 12. Bankrupt's own petition.

FITZGERALD Jerome, of Sheerness, in the county of Kent, grocer and cheesemonger, d. c.—Official assignee, Belcher.—Sol. Sparham, Chancery-lane. Fiat, Feb. 17. Bankrupt's own petition.

FLAXMAN John Storer, late of No. 40, Ludgate-street, in the city of London, carrying on business there in partnership with Thomas Showell, as tailors and drapers, but now out of business.—Official assignee, Belcher.—Sol. Low, Chancery-lane. Fiat, Feb. 16. Bankrupt's own petition.

HAMLIN Richard, of No. 8, Blenheim-street, Oxford-street, in the county of Middlesex, tailor, draper, d. c.—Official assignee, Graham.—Sols. Dickson & Co. Old Jewry Chambers. Fiat, Feb. 11. Pet. Crs. Herbert Morris Cannan, of No. 12, Birchlin-lane, esq., official assignee, Edward Henry Seiveking, John Overbury, and John Griffiths, assignees of Evill & Douglas.

HANCE Jones William, of Liverpool, in the county of Lancaster, architectural ornament and figure manufacturer, d. c.—Official assignee, Casenove.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Feb. 11. Bankrupt's own petition.

JONES John, of New York, in the United States of America, formerly of Birkenhead, in the county of Chester, tea-dealer and grocer, d. c.—Official assignee, Bird.—Sols. Gregory & Co. Bedford-row, and Green, Liverpool. Fiat, Feb. 8. Pet. Cr. William Gilmore, of Birkenhead, slater and plasterer.

MACKAY James, of Liverpool, in the county of Lancaster, tailor and draper.—Official assignee, Turner.—Sols. Holme & Co. New Inn, and Yates, jun., Liverpool. Fiat, Feb. 13. Bankrupt's own petition.

NEEP William, of Colchester, in the county of Essex, carpenter and builder, d. c.—Official assignee, Turquand.—Sols. Milne & Co. Temple.

SANDRINELLI Giuseppe Quarto, trading under the style or firm of Pacifico Sandrinello & Company, of Smyrna, in the empire of Turkey, and late of No. 23, Philipot-lane, in the city of London, and now of Bishop's-place, Brompton, in the county of Middlesex, merchant, d. c.—Official assignee, Belcher.—Sol. Buchanan, Basinghall-street. Fiat, Feb. 18. Bankrupt's own petition.

CERTIFICATES to be allowed March 12.

Dorsett William Smith, of West Bromwich, iron-dealer.
Francis Alfred John, and **Alfred** Percival, of Liverpool, plate-merchants.
Hopewell Edward, and **Anthony** Thacker, of Leadenhall-street, outfitters.

Jeffs James, of Margaret-street, Cavendish-square, saddler.
Lowe Charles, of Liverpool, d. c.
Maclean Moira, of Basinghall-street, and **Stroud**, cloth-factor and clothier.

Page Philip Flood, of King's-road, Gray's Inn, builder, (partner with Philip Norris Page).

Ufford John George, of Holloway, brewer.

Woodhams Joseph, of Iligh-street, Portland-town, plumber.

DIVIDENDS.

Date of Fiat.

- 1846, ARCHER Samuel, of Rochdale, Lancashire, woollen-manufacturer; fur. div.
- 1834, BELLAMY William, of Haseley, Warwickshire, horse-dealer; final div.
- 1846, BRETT James, of Spilsby, Lincolnshire, grocer and draper; final div.
- 1845, BYFORD George, of Liverpool, Lancashire, wholesale grocer; div.
- 1846, CARPENTER Charles, of Basingstoke, Southampton, baker and grocer; div.
- 1834, COLVIN Alexander, William Ainslie Bazett, David Colvin, Thomas Anderson, and David Ainslie, now or late of Calcutta, in Bengal, merchants and East India agents, carrying on business together, under the firm of Colvin & Co.; div.
- 1846, ELLIOT Robert, of Liverpool, Lancashire, agricultural implement maker; div.
- 1846, GOODALE Michael, of Rutland-terrace, Hornsey New-road, Holloway, Middlesex, builder; div.
- 1846, HENDERSON Alexander, of No. 19, Old Burlington-street, Middlesex, tailor and draper; div.
- 1846, ORAM James Boulton, of Birmingham, Warwickshire, brewer and maltster; div.
- 1846, PULLMAN Charles, of No. 237, Strand, Westminster, hosier; div.
- 1841, SALFORD William Walker, of Stockport, Cheshire, timber-merchant and builder; div.
- 1846, SMITH John, of Stratford-upon-Avon, Warwickshire, grocer and provision dealer; div.
- 1846, SUGAR Thomas, of Kingston-upon-Hull, corn-merchant; first div.
- 1841, TAYLOR Thomas, of Liverpool, Lancashire, bookseller and stationer, now or lately carrying on business with James Hayward, of Paternoster-row, London, under the firm of Thomas Taylor & Co.; div.
- 1843, TUCKER Arthur Southcombe, and George Muriel Bidwell, of Melcombe Regis, Dorsetshire, grocers and tea-dealers; div.
- 1843, WHITLEY William, of Liverpool, Lancashire, merchant, and now or late carrying on business at Buenos Ayres, in South America, with John Mitchell, under the style or firm of Mitchell & Whitley, trading as merchants, cattle and sheep dealers; div.

Gazette, Tuesday, February 23.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

LIGHTFOOT Thomas, of Nottingham, grocer.

TOWN AND COUNTRY FIATS.

- BAILEY John, of Stalybridge, in the county of Chester, joiner and builder, *d. c.*—Official assignee, Hobson.—Sols. Reed & Langford, Friday-street, and Sale & Co. Manchester. Fiat, Feb. 18. Pet. Cr. Joshua Lees, of Stalybridge, farmer.
- BEAL James, of Manchester, in the county of Lancaster, wholesale confectioner and tea-dealer, *d. c.*—Official assignee, Fraser.—Sols. Johnson & Co. Temple, and Hitchcock & Co. Manchester. Fiat, Feb. 17. Pet. Crs. George Heywood, of Manchester, and Betty Heywood, his copartner, grocers.
- CALLIEI Pierre, of Manchester, in the county of Lancaster, leather-dealer, commission-agent, *d. c.*—Official assignee, Pott.—Sols. Barlow & Aston, Manchester. Fiat, Feb. 18. Bankrupt's own petition.
- DAY George Thomas, of the Commercial-road, Pimlico, in the county of Middlesex, civil engineer and manufacturer of ventilating apparatus.—Official assignee, Cannan.—Sol. Grainger, Bucklersbury. Fiat, Feb. 22. Bankrupt's own petition.
- FITZHUGH John, of the town and county of Nottingham, tailor.—Official assignee, Bittleston.—Sols. Messrs. Parsons, Nottingham. Fiat, Feb. 6. Pet. Cr. Henry Smith, of Nottingham, merchant.

3. BANKR.—1847.

HARVEY John William, of Ottery St. Mary, in the county of Devon, grocer.—Official assignee, Hirtzel.—Sols. Bishop & Pitts, Exeter, and Harris, Lincoln's Inn. Fiat, Feb. 20. Bankrupt's own petition.

HIRST George, of Halifax, in the county of York, woolstapler, *d. c.*—Official assignee, Young.—Sols. Gregory & Co. Bedford-row, Wavill, Halifax, and Courtney, Leeds. Fiat, Feb. 15. Pet. Cr. Septimus Hirst, of Halifax, gent.

NAISMITH John, of Bradford, in the county of York, perfumer and dealer in toys, *d. c.*—Official assignee, Young.—Sols. Nethersole, New Inn, Foster, Bradford, and Harle & Clarke, Leeds. Fiat, Feb. 17. Bankrupt's own petition.

PARNALL William, of No. 219, Blackfriars-road, in the county of Surrey, clothier, *d. c.*—Official assignee, Cannan.—Sol. Loughborough, Austin-friars. Fiat, Feb. 12. Pet. Cr. Marmaduke Drake, of Blackfriars-road, oilman.

ROGERS Jonathan, of the city of Norwich, in the county of Norfolk, a trader, carrying on business as a boot and shoe maker.—Official assignee, Graham.—Sols. Maples & Co. Frederick's-place, and Woods, Great Yarmouth. Fiat, Feb. 17. Pet. Cr. William Sumner, of Great Yarmouth, plumber and glazier.

SMITH Edward, of Brentwood, in the county of Essex, cheesemonger and grocer, trader, *d. c.*—Official assignee, Green.—Sols. Messrs. Linklater, Leadenhall-street. Fiat, Feb. 22. Pet. Crs. John Smith Buck and Henry Simkin, of Leadenhall-street, grocers.

WRIGHT Robert, of No. 15, Coppice-row, Clerkenwell, in the county of Middlesex, timber-merchant, *d. c.*—Official assignee, Graham.—Sol. Richardson, Coleman-street. Fiat, Feb. 13. Pet. Cr. Robert Sims, of London House, Aldersgate-street, merchant.

FIAT omitted in Gazette, Feb. 19, p. 12.

NEEP William. Fiat, Feb. 13. Bankrupt's own petition.

CERTIFICATES to be allowed March 16.

- Adam David, of Paternoster-row, bookseller, (partner with James Hayward).
- Anderton Thomas, of Yardley, miller.
- Bryant Edwin, of Lime-street-square, merchant.
- Burgess Charles, of Ramsgate, coach-maker.
- Peers Henry, of Birkenhead, stone-mason.
- Wilson Thomas, Charles Kirkman Wilson, and William Wilson, of Liverpool, linen-draper.
- Wood Lydia, and Charles Henry Wood, of Willow-walk, Bermondsey, carpenters.

DIVIDENDS.

Date of Fiat.

- 1846, ALLEN William, of No. 25, Wheeler-street, Spitalfields, Middlesex, scale-board manufacturer and stationer; div.
- 1845, BOTCHERBY John, late of Darlington, Durham, coal-owner; div.
- 1846, COLEMAN William Whisted, of Hill, Southampton, provision merchant; div.
- 1846, FORD James, of Birmingham, Warwickshire, hosier; div.
- 1846, GILL William, of Warrington, Lancashire, corn-merchant; div.
- 1846, HOPEWELL Edward, and Alfred Thacker, of No. 24, Leadenhall-street, London, outfitters and clothiers, trading under the firm of E. Hopewell & Co. and Hopewell & Thacker; joint div.
- 1846, LLOYDS Richard Cripps, of Liverpool, Lancashire, painter, plumber and glazier; div.
- 1846, LOWIS Thomas, of Clayton-street, Newcastle-upon-Tyne, laceman and hosier, trading under the firm of T. Lowis & Co.; div.
- 1846, MORRIS John, of No. 55, Crown-street, Finsbury, Middlesex, and of No. 83, Old-street, St. Luke's, same county, leather-seller; div.
- 1846, NICHOLLS Richard, jun., of New-street, Birmingham, Warwickshire, bookseller and stationer; div.
- 1846, OXTOBY Robert, of Wansford, Yorkshire, and William Christopher Oxtoby, of Great Driffield, millers, corn-factors, flour-merchants, coal-merchants, spirit-merchants, and seed-factors, carrying on business at Wansford, Great Driffield, Scarborough, Bridlington, and Beverley, all in Yorkshire, under the firm of Robert Oxtoby & Son; first sep. div. of W. C. Oxtoby.

Date of Fiat.

- 1843, PALMER John Ogilvy, of No. 31, Bold-street, Liverpool, Lancashire, music-seller and dealer in musical instruments; div.
- 1843, ROGERS Thomas, of Bradford, Yorkshire, surgeon dentist; first and final div.
- 1846, ROGGETT Samuel, of Blackburn, Lancashire, iron-founder and machine maker; div.
- 1843, ROSS Sarah, and Timothy Rose, of Leicester, hosiers and worsted manufacturers; div.
- 1838, ROYLE Thomas, of Manchester, Lancashire, muslin manufacturer and maltster; fur. div.

Gazette, Friday, February 26.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BAGNALL John, of Birmingham, in the county of Warwick, builder, *d. c.*—Official assignee, Whitmore.—Sol. Powell, Birmingham. Fiat, Feb. 9. Bankrupt's own petition.
- BANKS William Coppard, of Lee, in the county of Kent, builder.—Official assignee, Follett.—Sol. Ivimey, Chancery-lane. Fiat, Feb. 16. Pet. Crs. Thomas Needham and George Locke, of No. 68, Theobald's-road, builders.
- BIRMINGHAM and Boston Direct Railway Company, now or late of No. 26, Moorgate-street, in the city of London, as a commercial or trading company.—Official assignee, Pennell.—Sols. Ashurst & Son, Cheapside. Fiat, Feb. 20. Pet. Crs. William Henry Dawson, William Dawson, and Eneas Dawson, of No. 74, Cannon-street, general advertisers.
- CURSHAM Arthur John, of Mansfield, in the county of Nottingham, scrivener, share-dealer, *d. c.*—Official assignee, Freeman.—Sols. Nixon, Clifford's Inn, and Binney, Sheffield. Fiat, Feb. 5. Bankrupt's own petition.
- DUBBINS Edward, late of the Somerset Hotel, Strand, in the county of Middlesex, hotel-keeper, but now of Colchester, in the county of Essex, *d. c.*—Official assignee, Graham.—Sols. Wire & Child, St. Swithin's-lane, and Barnes, Colchester. Fiat, Feb. 19. Bankrupt's own petition.
- DUNCAN James, of Liverpool, in the county of Lancaster, merchant, *d. c.*—Official assignee, Cazenove.—Sols. Holme & Co. New Inn, and Yates, jun., of Liverpool. Fiat, Feb. 19. Bankrupt's own petition.
- FLECK John, late of Leigh-street, Burton-crescent, but now of No. 1, Westbourne Park, in the county of Middlesex, baker, *d. c.*—Official assignee, Johnson.—Sol. Burbridge, Hatton-garden. Fiat, Feb. 23. Bankrupt's own petition.
- GILLON John, the younger, of Liverpool, in the county of Lancaster, wine and brandy merchant and commission-agent, *d. c.*—Official assignee, Bird.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Feb. 16. Bankrupt's own petition.
- JENKINSON Robert, residing and carrying on business at Manchester, in the county of Lancaster, baker and flour-dealer, *d. c.*—Official assignee, Fraser.—Sols. Bower & Son, Chancery-lane, and Janion, Manchester. Fiat, Feb. 18. Pet. Cr. John Moss, of Manchester, corn-merchant, trading under the style or firm of John Fletcher & Co. Manchester.
- KITCHING William Thomas, of Lloyd's Coffee-house, in the city of London, and late of Albion-terrace, Islington, in the county of Middlesex, ship-owner, *d. c.*—Official assignee, Edwards.—Sols. Lawrence & Pews, Old Jewry Chambers. Fiat, Feb. 23. Pet. Cr. Henry Herbertson, of Wood-street, warehouseman.
- MAILLARD Nicholas Doran, of No. 163, Fenchurch-street, in the city of London, newspaper proprietor and publisher, newsvender, trader, *d. c.*—Official assignee, Groom.—Sol. Ashley, Lord Mayor's Court. Fiat, Feb. 19. Pet. Cr. William Lake, of No. 170, Fleet-street, printer.
- MUDDOCK Emerson George, of No. 10, Clerkenwell-green, in the parish of St. John's, Clerkenwell, in the county of Middlesex, glass-cutter, plumber, painter and glazier, *d. c.*—Official assignee, Belcher.—Sol. Buchanan, Basinghall-street. Fiat, Feb. 24. Bankrupt's own petition.

MURRAY John, of No. 52, Gracechurch-street, in the city of London, Manchester warehouseman and wholesale linen-draper, *d. c.*, carrying on business with William Readshaw Morley, of the same place, under the firm of Morley, Murray & Co.—Official assignee, Pennell.—Sols. Piercy & Hawks, Three Crown-square. Fiat, Feb. 24. Pet. Cr. George Smith, of Sydenham, esq.

TERNAN Charles, and Charles Ternan, the younger, both of the Polygon, Somers-town, in the county of Middlesex, builders, *d. c.*, carrying on business in copartnership, under the firm of Ternan & Son.—Official assignee, Follett.—Sol. Denton, Gray's Inn. Fiat, Feb. 22. Bankrupt's own petition.

CERTIFICATES to be allowed March 19.

Barker William, of Royton, millwright.
 Bradshaw Edward Thomas, of Manchester, stock-broker.
 Cochrane Henry, of Manchester, merchant.
 Dunn William, of Vine-street, victualler.
 Fidge Thomas, of Liverpool, boot-manufacturer.
 Hayes William, of Liverpool, shipwright.
 Hindmarsh Joseph, of Liverpool, woollen-draper.
 Howard Philip, of Hingham, wine-merchant.
 Lock William, of Henry-street East, plumber, (partner with Charles Tomlins).
 Wilcockson Charles, and William Sharpe Barrick, of Hull, stock-brokers.

DIVIDENDS.

Date of Fiat.

- 1844, AUSTIN William, of Bell-street, Edgware-road, in the county of Middlesex, builder and carpenter, but now a prisoner in the Queen's Prison; div.
- 1846, DONALDSON John, of No. 294, Regent-street, and Nos. 49 and 50, Margaret-street, Middlesex, cabinet-maker; div.
- 1846, ELLIOTT William, of Petworth, Essex, corn-merchant; div.
- 1846, EVILL Thomas Ledyard, and Thomas Douglass, of Vigo-street, Middlesex, cloth-manufacturers; div.
- 1843, FENNER Ludd, and William Fenner, of No. 34, Fenchurch-street, London, merchants; div.
- 1841, HAYWARD John Richmond, and William Crosier Fletcher, of Manchester, Lancashire, wholesale and retail booksellers and stationers, carrying on business under the firm of Banks & Co.; fur. div.
- 1845, MACKENZIE Roderick, of Hunter-street, Brunswick-square, Middlesex, and of Bond-court, Wallbrook, London, commission agent; div.
- 1846, THOMAS John, of Cwmbach, in Aberdare, Glamorganshire, builder and shopkeeper; div.
- 1845, TUCKER Arthur Southcomb, and George Muriel Bidwell, of Melcombe Regis, Dorsetshire, grocers and tea-dealers; final div. of Bidwell.
- 1846, TURNER Charles, of Lowestoft, Suffolk, grocer; div.
- 1840, WHITEHEAD George, of No. 76, Fleet-street, London, printer, and of No. 2, Boyle-street, Burlington-gardens, Middlesex, scrivener; fur. div.
- 1846, WRIGHT Thomas, of Derby, cheese-factor, trading under the name, style, or firm of John Wright & Co., as a cheese-factor at Derby; div.

Gazette, Tuesday, March 2.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ANDREW John, of No. 10, Crawley-street, Oakley-square, Saint Pancras, in the county of Middlesex, bookseller and stationer, and designer and engraver on wood, and then in partnership with William Alfred Wagner, as designers and engravers on wood, and now of No. 1 A. Grove-terrace, Queen's-road, Bayswater, in the said county, fishmonger and poulterer, and designer and engraver on wood.—Official assignee, Turquand.—Sol. Webber, Caroline-street, Bedford-square. Fiat, Feb. 26. Bankrupt's own petition.
- BERESFORD William, of New Leaton, in the county of Nottingham, lace manufacturer and warper, *d. c.*—Official assignee, Freeman.—Sols. Patchett, Nottingham, and Binney, Sheffield. Fiat, Feb. 25. Bankrupt's own petition.

BOWLES Thomas, of Horamonden, in the county of Kent, victualler, *d. c.*—Official assignee, Whitmore.—Sols. Stenning, Long-lane, Bermondsey, and Messrs. Stenning & Carnell, Tunbridge, Kent. Fiat, Feb. 18. Pet. Cr. William Catt, of Tunbridge, brewer.

BROWN John, of No. 56, Great Queen-street, Lincoln's Inn-fields, in the county of Middlesex, carver and gilder.—Official assignee, Follett.—Sol. Shaw, Furnival's Inn. Fiat, Feb. 27. Bankrupt's own petition.

CHAMPNESS Francis, of No. 3, Bishop's-road, Paddington, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, Cannan.—Sol. Randall, Castle-street, Holborn. Fiat, Feb. 25. Pet. Cr. Elizabeth Smith, of No. 3, Bishop's-road, Paddington, widow.

EARLE Nathaniel John, carrying on business as a grocer in the town of Falmouth, in the county of Cornwall.—Official assignee, Hirtzel.—Sols. Bullmore, Falmouth, Coode & Co. Bedford-row, and Stogdon, Southernhay, Exeter. Fiat, Feb. 23. Bankrupt's own petition.

HEPWORTH Joseph, of Huddersfield, in the county of York, wine and spirit merchant, *d. c.*—Official assignee, Kynaston.—Sols. Wigglesworth & Co. Gray's Inn-square, and Cronhelm, Leeds. Fiat, Feb. 17. Pet. Cr. John Jenny Newstead, of Leeds, wine-merchant.

HERBERT William, of Broadmead, in the city of Bristol, grocer and tea-dealer, *d. c.*—Official assignee, Miller.—Sols. Davison, Bloomsbury-square, and Brittan, Bristol. Fiat, Feb. 26. Pet. Crs. James Cousens, sen. and jun., and Stansfield Ellis Cousens, of Sherborne-lane, City, wholesale tea-dealers.

JAMES William, of Stone, in the parish of Berkeley, in the county of Gloucester, builder, *d. c.*—Official assignee, Hutton.—Sols. Badham & Co. Gray's Inn, and Chandler, Tewkesbury. Fiat, Feb. 24. Bankrupt's own petition.

KEDDY John, and Thomas Keddy, of Bridlington, in the county of York, printers, booksellers and paper-hangers, and copartners, *d. c.*—Official assignee, Kynaston.—Sols. Hicks, Gray's Inn, and Bell, Hull. Fiat, Feb. 20. Bankrupt's own petition.

LAWRANCE Thomas, of Reading, in the county of Berks, draper, *d. c.*—Official assignee, Green.—Sols. Reed & Langford, Friday-street. Fiat, Feb. 27. Bankrupt's own petition.

MARKS Solomon, of St. Mary-street, in the town of Cardiff, in the county of Glamorgan, clock and watch maker, jeweller, gold and silver smith and pawnbroker, *d. c.*—Official assignee, Hutton.—Sol. Philpotts, Cardiff. Fiat, Feb. 24. Bankrupt's own petition.

PRINCE Jackson, of Coxhoe, in the county of Durham, grocer and draper.—Official assignee, Baker.—Sols. Harle, Newcastle, Messrs. Marshall, Durham, Smith, Durham, and Rogerson, Lincoln's Inn-fields. Fiat, Feb. 24. Bankrupt's own petition.

STONE Michael John, of Abingdon, in the county of Berks, grocer.—Official assignee, Graham.—Sol. Waller, jun., Finsbury-circus. Fiat, Feb. 25. Pet. Crs. Edward Edwards and Edward Edwards, jun., of Abchurch-lane, tea-dealers.

STREVENS Edmund, of Trafalgar-street, Brighton, in the county of Sussex, victualler.—Official assignee, Whitmore.—Sols. Rosser & Co. Fenchurch-street, and Dempster, Brighton. Fiat, Feb. 24. Pet. Cr. George Mayor, of Brighton, corn-dealer.

WILLIAMS David, of Well-street, in the town of Ruthin, in the county of Denbigh, cattle-salesman, *d. c.*—Official assignee, Turner.—Sols. Pocock & Co. Bartholomew-close, Smart, Ruthin, and Evans & Son, Liverpool. Fiat, Feb. 23. Bankrupt's own petition.

CERTIFICATES to be allowed March 23.

Bottle William, of Dover, grocer.
Burrell Charles, of Northumberland-place, Commercial-road, cheese-monger.
Lamont John, of Wellclose-square, ship-owner.
Mousley John, of Holland-terrace, North Brixton, builder.
Purnell Charles Henry, of Liverpool, coal-merchant.
Thornton William Carr, of Cleckheaton, machine-maker.

DIVIDENDS.

1842, **ACRAMAN** Daniel Wade, William Edward Agraman, Alfred John Agraman, William Morgan, Thomas Holroyd, and James Narrowsy Franklin, all of Bristol, ship-builders, boiler-makers and engineers; first joint div.
1845, **BUCKLEY** Ralph, of Dobcross-lane, within Saddleworth, Yorkshire, woollen-cloth manufacturer; div.

Date of Fiat.

1846, **COCHRANE** Henry, of Manchester, Lancashire, merchant and warehouseman; div.
1846, **GRAHAM** Joseph, the elder, of Alnwick, Northumberland, bookseller and stationer; first div.
1820, **GUNDRY** James, and William Gundry, both of Goldsmithy, Cornwall, merchants; div.
1846, **HODGSON** Ebenezer, of Richmond, Yorkshire, ironmonger; div.
1846, **ORAM** James Boulton, of Birmingham, Warwickshire, brewer and maltster; div.
1846, **SNOWDON** Edmund, of Alton, Southampton, painter and plumber; div.
1845, **SPENCER** Jonas, of Denholme Carr, in Thornton, parish of Bradford, Yorkshire, worsted-piece manufacturer; div.
1846, **TAYLOR** Thomas, of Newcastle-upon-Tyne, grocer and tea-dealer, lately carrying on business with William Tooth, as glass-manufacturers, at Gateshead; third and final div.
1839, **WRIGLEY** Watts, and Thomas Wrigley, of Homefield Mills, in Ovenden, parish of Halifax, Yorkshire, silk-waste spinners; div.

Gazette, Friday, March 5.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BAISLER Francis, of No. 124, Oxford-street, in the county of Middlesex, stationer and bookseller.—Official assignee, Whitmore.—Sol. Waller, jun., Finsbury-circus. Fiat, Mar. 2. Pet. Crs. James and Henry Spicer, and William Revell Spicer, of Bridge-street, stationers.
BAYLIS Thomas Clarke, of No. 8, Gloucester-place, Old Kent-road, in the county of Surrey, and of No. 14, Crown-row, Walworth-road, in the county of Surrey, grocer and tea-dealer, *d. c.*—Official assignee, Whitmore.—Sol. Taylor, Fenchurch-street. Fiat, Feb. 24. Bankrupt's own petition.
BROWN John, of No. 56, Great Queen-street, Lincoln's Inn-fields, in the county of Middlesex, carver and gilder.—Official assignee, Follett.—Sol. Shaw, Furnival's Inn. Fiat, Feb. 27. Bankrupt's own petition.
FIELDER John Webb, of Thavies Inn, Holborn-hill, in the city of London, lace-merchant and warehouseman.—Official assignee, Belcher.—Sols. Reed & Langford, Friday-street, Cheapside. Fiat, Mar. 2. Bankrupt's own petition.
FORBER Joshua, of No. 118, Park-lane, Liverpool, in the county of Lancaster, watch-maker, *d. c.*—Official assignee, Morgan.—Sols. Holme & Co. New Inn, and Booker, Liverpool. Fiat, Mar. 1. Pet. Cr. William Forber, of Liverpool, watch-finisher.
GIBSON William, of Birmingham, in the county of Warwick, broker.—Official assignee, Christie.—Sols. Clarke & Co. Lincoln's Inn-fields. Fiat, Feb. 25. Pet. Crs. James and Henry Bourne, of Birmingham, wholesale grocers.
HASTINGS John, of the town or borough of Kingston-upon-Hull, draper, *d. c.*—Official assignee, Kynaston.—Sols. Dean & Co. St. Swithin's-lane, and England & Shackles, Hull. Fiat, Feb. 26. Bankrupt's own petition.
HUBBARD Charles John, of No. 27, Crutched-friars, in the city of London, hop-merchant, *d. c.*—Official assignee, Green.—Sols. Lawrence & Pews, Old Jewry Chambers. Fiat, Feb. 27. Pet. Crs. Charles Oxley and Isaac Brennan, of No. 70, High-street, Southwark, hop-factors.
JAMES Thomas Jones, of Chatford, in the parish of Conover, in the county of Salop, corn-dealer, *d. c.*—Official assignee, Whitmore.—Sols. Motteram & Knowles, Birmingham. Fiat, Feb. 24. Bankrupt's own petition.
JEYNES Thomas, late of Longdon, in the county of Worcester, butcher, *d. c.*—Official assignee, Christie.—Sols. Cooper, Upton-upon-Severn, and Motteram & Knowles, Birmingham. Fiat, Feb. 23. Bankrupt's own petition.
PALFREY William, senior, of Tyssen-place, Kingland-road, in the county of Middlesex, builder, *d. c.*—Official assignee, Groom.—Sol. Teague, Crown-court, Cheapside. Fiat, Feb. 24. Pet. Joseph Little, of Brighton-place, Hackney-road, timber-merch'

PIERCE John, of Liverpool, in the county of Lancaster, builder.—Official assignee, Cazenove.—Sols. Oliver, Old Jewry, and Evans & Son, Liverpool. Fiat, Feb. 25. Pet. Cr. William Roberts, of Liverpool, ironmonger.

RICHARDSON Martin, of Harrogate, in the county of York, and also of Knaresborough, in the same county, attorney-at-law and dealer in railway shares, *d. c.*—Official assignee, Young.—Sols. Jones & Co. John-street, and Harle & Clarke, Leeds. Fiat, Mar. 2. Bankrupt's own petition.

SMITH Joseph Hill, of Merthyr Tydvil, in the county of Glamorgan, grocer, *d. c.*—Official assignee, Acraman.—Sols. Abbott & Co. New Inn, and Smith, Merthyr Tydvil. Fiat, Mar. 1. Pet. Cr. Edward Morgan, of Merthyr Tydvil, merchant.

SOFTLAW Joseph, of the Adelaide Hotel, Adelaide-place, London-bridge, in the city of London, wine-merchant, hotel and tavern keeper, *d. c.*—Official assignee, Pollett.—Sol. Welborne, Tooley-street. Fiat, Mar. 2. Pet. Crs. Cornelius and John Rock, of Duke-street, Southwark, cheesemongers.

CERTIFICATES to be allowed March 26.

Borer Charles, of Lower-road, Islington, grocer.
Bullen Joseph Keed, of Peterborough, tailor.
Cameron William, of Newcastle, confectioner.
Carpendale William, of Hull, jeweller.
Clay William, and James Clay, of Halifax, woollen-manufacturers.
Irvine James, of Liverpool, ironmonger.
Mears John, of Bristol, builder.
Mitchell Benjamin Peter, of Liverpool, victualler.
Moir George, of John's-row, St. Luke's, boot-maker.
Norton Thomas, of Birmingham, builder.
Payne Richard Kent, of Brighton, grocer.
Stacy William, of Lawrence-lane, warehouseman, (partner with Frederick Both Stacy).
Tappenden Thomas, of Friendly-place, Old Kent-road, tailor.

DIVIDENDS.

Date of Fiat.

1846, **FIELDER** Alfred, of Alton, Southampton, brewer and maltster and coal-merchant; div.
1837, **GOODWIN** George, of Kingaton-upon-Hull, merchant; second div.
1843, **HEATHORN** Joseph Lidwell, of No. 3, Abchurch-lane, London, ship-owner, as a trader indebted together with Henry Heathorn, Samuel Magnus, John Taite, Abraham Hort, Henry Blundell, Joseph Blundell, Solomon Cohen, Israel Isaacs, Abraham Harris, Leopold Neumegen, George Dixon Longstaff, and George Alfred Muskett, since deceased; div.
1837, **OPENSHAW** Richard Walker, of Prestwich, in Prestwich-cum-Oldham, Lancashire, common brewer and victualler, third div.
1846, **PALMER** Henry James, of Wantage, Berkshire, grocer; final div.
1846, **PULLING** Charles, of Hay's Wharf, Tooley-street, and of No. 11, Trinity-square, Southwark, both in Surrey, potato-salesman; div.
1816, **RICHARDS** John, jun., of Reading, Berkshire, banker and money-scrivener; div.
1846, **STRAWSON** Paul, and Thomas Beeston Young, both of Louth, Lincolnshire, chemists, druggists and brokers, carrying on business under the firm of Strawson & Young; first div.
1845, **WILLIAMS** Thomas Holyland and William Clacher Stanes, of Chelmsford, Essex, auctioneers and wine and spirit merchants; div.

Gazette, Tuesday, March 9.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BULL William, of No. 3, Little Love-lane, Wood-street, in the city of London, stock-manufacturer, *d. c.*, carrying on business at No. 3, Little Love-lane aforesaid, in partnership with one Henry Thomas Jackson, under the style or firm of Jackson & Co., as a trader indebted jointly with the said Henry Thomas Jackson.—Official assignee, Bell.—Sols. Ashurst & Son, Cheapside. Fiat, Mar. 3. Pet. Cr. James Harrison, of No. 26, Gutter-lane, silk-printer.

BURNS Peter, the younger, of Liverpool, in the county of Lancaster, bookseller and stationer, tobacconist, *d. c.*—Official assignee, Bird.—Sols. Sharp & Co. Bedford-row, Cleminson, Ambleide & Hetherington & Co. Liverpool. Fiat, Mar. 4. Bankrupt's own petition.

CUBITT Samuel, of Colchester, in the county of Essex, clothier, trader, *d. c.*—Official assignee, Turquand.—Sols. Messrs. Linklaters, Leadenhall-street. Fiat, Mar. 3. Pet. Cr. William Byers, of Shoreditch, woollen-draper.

FURBY John, and Robert Stockton, of No. 35, Sackville-street, Piccadilly, in the county of Middlesex, tailors, *d. c.* and copartners.—Official assignee, Bell.—Sol. Davies, Warwick-street, Golden-square. Fiat, Mar. 2. Pet. Crs. Thomas Henry Elam, Benjamin Elam, and John Elam, of No. 33, Sackville-street, woollen-draper.

HALLILEY Anthony, and Richard Halliley, of Wigton, in the county of Cumberland, partners and calico-printers.—Official assignee, Wakley.—Sols. Studholme, Wigan, Addison & Harrison, Staple Inn, and Ingledew, Newcastle. Fiat, Feb. 20. Pet. Cr. Thomas Parkin, of Wigan, gent.

HODDING William Henry, of Gloucester-place, Portman-square, in the county of Middlesex, surgeon and apothecary.—Official assignee, Pennell.—Sols. Sutton & Co. Basinghall-street. Fiat, Mar. 1. Bankrupt's own petition.

HUNTLEY Robert Elliott, of the town and county of Newcastle-upon-Tyne, wine and spirit merchant, *d. c.*—Official assignee, Baker.—Sols. Thomas & Chater, Newcastle, and Bell & Co. Bow-churchyard. Fiat, Mar. 2. Bankrupt's own petition.

LAW James, of Faversham, in the county of Kent, coal-merchant.—Official assignee, Johnson.—Sols. Gilbert & Co. Philpot-lane. Fiat, Mar. 1. Pet. Cr. Caleb Law, of Peckham, gent.

MORGAN James, of Wedmore, in the county of Somerset, draper and grocer, *d. c.*—Official assignee, Hutton.—Sol. Bailey, Wedmore. Fiat, Mar. 1. Bankrupt's own petition.

PRUST Joseph, of Stratton, in the county of Cornwall, tanner, *d. c.*—Official assignee, Hernaman.—Sols. Stogden, Exeter, and Keddel & Co. Lime-street. Fiat, Mar. 3. Bankrupt's own petition.

STOCKDALE Thomas, and John Stockdale, both of Liverpool, in the county of Lancaster, soap-boilers and tallow-chandlers, *d. c.*—Official assignee, Morgan.—Sols. Sharp & Co. Bedford-row, and Harvey & Falcon, Liverpool. Fiat, Feb. 13. Pet. Cr. Reuben Hemingway, Liverpool, merchant.

CERTIFICATES to be allowed March 30.

Boyd John, and James Boyd, of Wellington Chambers, Southwark, hop-factors.
Cowie Henry, and James Clarke, of Liverpool, merchants.
Jones William, and John Clay, of Liverpool, boiler-makers.
Morris John Beddleton, of Hull, boot-maker.
Parrott Henry, of Clifton, coach-builder.
Prattman William Luke, of Butterknowle Lodge, timber-merchant, (partner with Michael Forster, of Copley).
Walton James, of Leeds, tailor.

DIVIDENDS.

Date of Fiat.

1845, **ADAMSON** John, of Stockport, grocer and tea-dealer; fur. div.
1846, **BEDFORD** John Henry, of College-green, Bristol, artists' colourman; div.
1838, **BREDON** Benjamin, late of Barford, Warwickshire, but now of Wellesbourne Mountford, same county, tailor; final div.
1844, **BROTHERS** Samuel, of Newcastle-under-Lyme, Staffordshire, carrier, surviving partner of Isaac Tittensor, in the lifetime of the said Isaac Tittensor carrying on business at Newcastle-under-Lyme, as carriers, under the style or firm of Isaac Tittensor & Co.; div.
1844, **FITZHUGH** William Henry, and Robert Edwards Walker, both of Liverpool, Lancashire, merchants and ship-brokers, lately trading there under the style or firm of Fitzhugh, Walker & Co.; sep. div. of Fitzhugh.
1840, **HALL** Edward Devie, of Walsall, Staffordshire, carrier; div.
1802, **HAMBLY** William, of Falmouth, Cornwall, and of Great Bell-alley, Coleman-street, London, merchant; div.

Date of Fiat.

- 1842, HARRIS Rice, of Birmingham, Warwickshire, glass-manufacturer; div.
- 1836, HORTON John Pool, of West Bromwich, Staffordshire, engine boiler maker; fin. div.
- 1816, LANCASTER William, of Liverpool, Lancashire, ship-owner and merchant; div.
- 1842, LAWLEY John, of Stafford, cooper; div.
- 1846, LEONARD Henry, of Cheltenham, Gloucestershire, iron-monger and lamp-dealer; div.
- 1846, NAYLER Robert, of Five Ails Inn, Marlborough, licensed victualler and stage-coach proprietor; div.
- 1846, OPENSHAW George Handel, of Over Darwen, Lancashire, power-loom cloth manufacturer; first div.
- 1847, PARK George, of No. 41, Bury-street, St. James's, Westminster, tailor; div.
- 1846, PAYNE John, of Weymouth and Melcombe Regis, Dorsetshire, draper and tailor; div.
- 1836, RUDD Thomas, of Brough, Westmorland, provision-merchant; final div.
- 1842, WHEELER Frederick Augustus, of Birmingham, Warwickshire, trading under the firm of Frederick Wheeler & Co., percussion-cap manufacturer; div.

Gazette, Friday, March 12.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

- BENBOW Thomas, of Llanidloes, draper.
- HILTON James, of Manchester, stock-broker.

TOWN AND COUNTRY FIATS.

- ARMITAGE John, of Paddock, in the parish of Huddersfield, in the county of York, woollen-cloth merchant, *d. c.*—Official assignee, Hope.—Sols. Sparham, Chancery-lane, Messrs. Sykes, Milnbridge, near Huddersfield, and Sykes, Leeds. Fiat, Feb. 26. Pet. Cr. Benjamin Lockwood, of Almondsbury, cloth-manufacturer.
- BIDDLE Paul, of Judd-street, New-road, in the parish of Saint Pancras, in the county of Middlesex, tallow-chandler, *d. c.*—Official assignee, Cannon.—Sols. Messrs. Davies, Coleman-street. Fiat, Mar. 10. Pet. Cr. Isaac Carr, John Cuttley, and John Garratt Cuttley, of Moorgate-street, Russia-merchants.
- BROOM Henry Charles, of Lawrence Pountney-hill, in the city of London, grocer, *d. c.*—Official assignee, Green.—Sols. Messrs. Van Sandau & Co. King-street, Cheap-side. Fiat, Mar. 5. Pet. Crs. William and Walter Hericker, of Fenchurch-street, tea-merchants.
- FITCH Samuel, of Beadles Hall, Writtle, in the county of Essex, maltster, *d. c.*—Official assignee, Turquand.—Sol. Walker, Fumival's Inn. Fiat, Mar. 10. Pet. Cr. John Harrison, of No. 246, High-street, Southwark, hop-factor.
- LITTLE William, of the Borough-road, Southwark, in the county of Surrey, paper-manufacturer, carrying on business in copartnership with James Berwick, of the same place.—Official assignee, Bell.—Sol. Hall, Moorgate-street. Fiat, Mar. 10. Bankrupt's own petition.
- LOVATT Henry, and William Hinde Larkman Corran, of Liverpool, in the county of Lancaster, merchants and copartners.—Official assignee, Casenove.—Sols. Messrs. Norris, Allen & Simpson, Bedford-row, and Norris, Liverpool. Fiat, Mar. 8. Pet. Crs. Charles Low Swainson, of Manchester, and John Birchwood, his copartner, cotton-manufacturers.
- MARTIN William, of No. 10, Skinner-street, Somers-town, in the parish of St. Pancras, in the county of Middlesex, grocer and tea-dealer.—Official assignee, Turquand.—Sols. Walsh & Co. Lincoln's Inn-fields. Fiat, Feb. 19. Pet. Cr. Samuel Hurdstaff, of No. 90, High-street, Camden-town, grocer.
- BAYLOR Edward Abel, late of the Mortimer Arms, Tottenham-court-road, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Edwards.—Sols. Messrs. Holmer & Son, Bridge-street, Southwark. Fiat, Mar. 3. Pet. Cr. Ernst Scott, of Church-street, Lambeth, distiller.

4. BANKR.—1847.

THOROGOOD John, of the Blue Boar Inn, Aldgate High-street, in the city of London, innkeeper, *d. c.*—Official assignee, Whitmore.—Sols. Messrs. Baddeleys, Leman-street. Fiat, Mar. 11. Pet. Cr. Thomas Cobley, jun., of Whitechapel, wheelwright.

TOWNSEND Joseph Thomas, of High-street, Islington, in the county of Middlesex, carpet-dealer, *d. c.*—Official assignee, Follett.—Sols. Pain & Hatherly, Basinghall-street. Fiat, Mar. 9. Pet. Crs. George and William Bartholomew, of the Pavement, carpet-manufacturers.

CERTIFICATES to be allowed April 2.

Blackmoor John, of Rotherham, builder.
Beedel Edward, and Charles Reffold, of Reading, builders.
Clay George, of Liverpool, boiler-maker, (partner with William Jones).
Collins William Louis, of Wood-street, Westminster, brewer.
Dent Mary, of York, widow, bookseller.
Moorhouse John, of Rotherham, cattle-dealer.
Nicholls Joseph, of Edgbaston, stone-mason.
Pope John, of Bristol, yeoman.
Turner Charles, of Lowestoft, grocer.
Varney John, of Clement's Inn-passage, grocer.

DIVIDEND.

Date of Fiat.

- 1845, GILES William, of the Marine Parade, Brighton, Sussex, boarding-house keeper; div.

Gazette, Tuesday, March 16.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

- DUTCHMAN Hewson, of Toxteth Park, near Liverpool, merchant.
- KNIGHT George, of Weybridge, dealer in manure.

TOWN AND COUNTRY FIATS.

- BARRS Elizabeth, of No. 1, Promenade-terrace, in the parish of Cheltenham, in the county of Gloucester, lodging-house keeper, widow.—Official assignee, Miller.—Sol. Chesshyre, Cheltenham. Fiat, Mar. 5. Pet. Cr. Benjamin Buckley Fox, of Cheltenham, mercer.
- BOOTH Henry, and James Booth, both of Haughton, in the county of Lancaster, and Thomas Booth, of Denton, in the said county of Lancaster, carrying on business in partnership together at Haughton aforesaid, as hat-manufacturers, *d. c.*—Official assignee, Fraser.—Sols. Clarke & Co. Lincoln's Inn-fields, and Brooks, Ashton-under-Lyne. Fiat, Mar. 12. Pet. Cr. Thomas Howorth, of Ashton-under-Lyne, paper-dealer.
- FENNELL John Greville, formerly of No. 6, Belvidere-crescent, Lambeth, in the county of Surrey, general agent, and now of No. 15, King-street, Holborn, in the county of Middlesex, child-bed linen, Berlin wool, and perfumery dealer.—Official assignee, Follett.—Sol. Pullen, Basinghall-street. Fiat, Mar. 15. Bankrupt's own petition.
- GIBSON Richard, of Castle Bromwich, in the county of Warwick, grazier, cattle dealer, *d. c.*—Official assignee, Valpy.—Sols. Weeks, Cook's-court, and Smith, Birmingham. Fiat, Mar. 9. Bankrupt's own petition.
- GLOVER Robert, and Frederick Glover, both of Leeds, in the county of York, dyers, *d. c.*, trading under the firm of Robert and Frederick Glover.—Official assignee, Hope.—Sols. Hartley, Southampton-street, and Payne & Co. Leeds. Fiat, Mar. 8. Pet. Crs. Charles Barr, of Leeds, and William Williams Brown, John Whitaker, Edward Janson, and Thomas Corbyn Janson, bankers and copartners.
- GOODWIN Owen, and Thomas Goodwin, of Burslem, in the parish of Burslem, in the county of Stafford, druggists, *d. c.*—Official assignee, Whitmore.—Sols. Pilcher, New Broad-street, and Hodgson, Birmingham. Fiat, Mar. 4. Pet. Crs. Jeremiah Giles Pilcher, John Giles Pilcher, Jeremiah Pilcher, and John Dendy Pilcher, of Morgan's-lane, Tooley-street, lead and colour merchants.
- HALSTEAD John, of Radcliffe, near Manchester, in the county of Lancaster, cotton-manufacturer, *d. c.*—Official assignee, Hobson.—Sols. Clarke & Co. Lincoln's Inn-fields, and Whitehead, Bury. Fiat, Mar. 13. Bankrupt's own petition.

HARVEY John, of Liskeard, in the county of Cornwall, assayer, *d. c.*—Official assignee, Hirtzel.—Sols. Stogdon, Exeter, and Keddell & Co. Lime-street. Fiat, Mar. 9. Bankrupt's own petition.

HAYWARD William, of the town of Ashford, in the county of Kent, butcher.—Official assignee, Johnson.—Sols. Butterfield & Co. Gray's Inn. Fiat, Mar. 13. Pet. Cr. Henry Foster, of Ashford, farmer.

HILTON George, of Hythe, in the county of Kent, grocer.—Official assignee, Groom.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Mar. 1. Pet. Cr. Alfred Fitch and John Henry Warter, of the Borough, provision-merchants.

INGHAM John, of Liverpool, in the county of Lancaster, merchant, woolstapler, *d. c.*—Official assignee, Morgan.—Sols. Vincent, Temple, and Robinson, Liverpool. Fiat, Mar. 10. Bankrupt's own petition.

JARDINE Charles, of No. 29, Basinghall-street, in the city of London, woollen warehouseman.—Official assignee, Groom.—Sols. Baylis & Drews, Basinghall-street. Fiat, Mar. 12. Bankrupt's own petition.

JOYCE James, of Warwick-lane, in the city of London, corn-dealer and waggon-office keeper.—Official assignee, Pennell.—Sols. Tilson & Co. Coleman-street. Fiat, Mar. 12. Bankrupt's own petition.

KESTEVEN Francis, of Camden-street, Camden-town, in the county of Middlesex, builder.—Official assignee, Groom.—Sol. Huson, Ironmonger-lane. Fiat, Mar. 9. Pet. Crs. David Montague and John Turner, of Stratford, cement-manufacturers.

NOSWORTHY John, of Manchester, in the county of Lancaster, stock and share broker.—Official assignee, Hobson.—Sols. Sharpe & Co. Bedford-row, and Burdett, Manchester. Fiat, Mar. 11. Bankrupt's own petition.

PARKER Richard, of New Inn-yard, Old Bailey, in the city of London, carrier, *d. c.*—Official assignee, Edwards.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Mar. 8. Pet. Cr. Thomas Bowser, of Newgate-market, salesman.

PAULL Henry Hugh Beams, now or late of Peckham, in the county of Surrey, lodging-house keeper, *d. c.*—Official assignee, Johnson.—Sols. Sturmy & Simpson, Wellington-street, London-bridge. Fiat, Feb. 26. Pet. Cr. Samuel Atkins, of the Borough-market, butcher.

ROUND William, of the Broadway, Hammersmith, in the county of Middlesex, grocer and cheesemonger.—Official assignee, Turquand.—Sol. Dods, St. Martin's-lane, Charing-cross. Fiat, Mar. 15. Pet. Cr. Thomas How, of High-street, Southwark, grocer.

SAW Robert, of Hammersmith, in the county of Middlesex, grocer and cheesemonger.—Official assignee, Graham.—Sol. Dods, St. Martin's-lane. Fiat, Mar. 6. Pet. Cr. Thomas How, of High-street, Southwark, grocer.

WALKDEN Thomas, of Mansfield, in the county of Nottingham, scrivener and share-dealer, *d. c.*—Official assignee, Freeman.—Sols. Moss, Serjeants' Inn, and Branson, Sheffield. Fiat, Mar. 8. Bankrupt's own petition.

WINDER Joseph, late of Hampson Mills, near Bury, in the county of Lancaster, and now of Salford, in the said county, bleacher, dyer, finisher, *d. c.*—Official assignee, Pott.—Sols. Chisholme & Co. Lincoln's Inn-fields, and Gibson, Manchester. Fiat, Mar. 9. Pet. Cr. Charles Reece, of Salford, millwright.

CERTIFICATES to be allowed April 6.

Brand William Ferries, of Wigan, draper.
Sutcliffe James, of Habergarth Eaves, cotton-spinner.
Yates Thomas, of Bolton-le-Moors, cotton-manufacturer.

DIVIDENDS.

Date of Fiat.

1843, **ACRAMAN** Daniel Wade, William Edward Agraman, and Alfred John Agraman, all of Bristol, merchants; joint div.

1846, **BIRCHALL** Alfred, of Manchester, Lancashire, share-broker; first div.

1845, **CLARK** John, of the Crescent, Minorities, London, merchant, carrying on business under the firm of John Clark & Co.; div.

1847, **M'LAURIN** Andrew Scott, formerly of Gutter-lane, London, and now of Bradford, Yorkshire, warehouseman and commission-agent; first div.

Date of Fiat.

1846, **ROBERTS** John, and Hugh Hughes, both of Deangate, in Manchester, Lancashire, linen-drappers and mercers, carrying on business under the style and firm of Roberts & Hughes; final sep. divs. and final joint div.

1846, **SATCHELL** Richard, the younger, of Winsley-street, Oxford-street, Middlesex, and of Hyde, near Hendon, same county, cowkeeper, and lately carrying on business with Richard Satchell the elder, at Winsley-street, in the trade of a brewer, as a trader indebted jointly and together with the said Richard Satchell the younger; div.

1847, **TITLEY** John, of No. 194, High-street, Southwark, Surrey, woollen-draper, trading under the firm or style of John Titley & Co.; div.

1846, **WILKINSON** Henry, of Watford, Herts, cabinet-maker; div.

Gazette, Friday, March 19.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BROWN Charles, of Somerset-street, Aldgate, in the city of London, plumber and glazier, and also of Millwall, Poplar, in the county of Middlesex, paper-manufacturer, *d. c.*—Official assignee, Belcher.—Sol. Lawrence, South-square, Gray's Inn. Fiat, Mar. 9. Pet. Cr. William Patrick Grey, of Camomile-street, lead-merchant.

COLOMBINE David Elwin, of Carlton Chambers, Regent-street, in the parish of St. James, Westminster, money-scrivener, *d. c.*—Official assignee, Green.—Sols. Messrs. Richards & Walker, Lincoln's Inn-fields. Fiat, Mar. 13. Pet. Cr. Bridget Harrington, of Brook-green, Hammersmith, spinster.

DIX Richard, of Wells, in the county of Somerset, saddler and harness-maker, *d. c.*—Official assignee, Hutton.—Sols. Messrs. Whitaker, Lincoln's Inn-fields, and Hobbs, Wells. Fiat, Mar. 11. Bankrupt's own petition.

GLOVER William, of Leeds, in the county of York, woollen-manufacturer and merchant, *d. c.*—Official assignee, Young.—Sols. Messrs. Sudlow & Co. London; Payne, Eddison & Ford, and Bruce, Leeds. Fiat, Mar. 9. Pet. Crs. William Bruce, Samuel Blackburn, and Thomas Blackburn, of Leeds, wine-merchants.

HARDWICK Thomas, and Winter Hardwick, of Leeds, in the county of York, auctioneers.—Official assignee, Hope.—Sols. Messrs. Walker, Fumival's Inn, Blackburn, Leeds, and Lee, Leeds. Fiat, Mar. 13. Bankrupt's own petition.

HAZARD John, and William Beaumont, both of High-street, Deptford, in the county of Kent, tailors and drapers, *d. c.*—Official assignee, Pennell.—Sol. Parker, St. Paul's-churchyard.

HUNT John, of Manchester, in the county of Lancaster, merchant, commission-agent, *d. c.*—Official assignee, Hobson.—Sols. Messrs. Pearce, Phillips & Winkworth, St. Swithin's-lane, and Slater & Heelis, Manchester. Fiat, Mar. 9. Pet. Cr. Samuel Gurney, of No. 71, Lombard-street, Chairman of the Alliance Marine Insurance Company.

JOBLING Thomas, of High Conside, in the county of Durham, draper, grocer, *d. c.*—Official assignee, Wakley.—Sols. Messrs. Williamson & Hill, Verulam-buildings, Gray's Inn, and Ingledew, Newcastle. Fiat, Mar. 9. Pet. Cr. Thomas Atkinson, of Newcastle-upon-Tyne, draper.

KEIR Rev. Andrew, of North Cave, in the county of York, clerk, wood-merchant, timber-merchant, *d. c.*—Official assignee, Kynaston. Sols. Messrs. Capes & Co. Gray's Inn, Robinson, Beverley, and Bell, Hull. Fiat, Mar. 10. Pet. Cr. Rev. John Jarratt, of North Cave, Yorkshire, clerk.

PELLS John, late of Great Yarmouth, in the county of Norfolk, grocer, but now of Southtown, in the county of Suffolk, out of business.—Official assignee, Cannan.—Sols. Messrs. Galsworthy & Nicholls, Cook's-court, Lincoln's Inn, and Casterton, Yarmouth. Fiat, Mar. 13. Bankrupt's own petition.

POTTS Thomas, of the town and county of Newcastle-upon-Tyne, draper, *d. c.*—Official assignee, Baker.—Sols. Messrs. Ingledew, Newcastle-upon-Tyne, and Williamson & Hill, Verulam-buildings, Gray's Inn. Fiat, Mar. 12. Pet. Cr. Jacob Grey, of Gateshead, Durham, draper.

READER Thomas, of Foleshill, in the county of Warwick, miller, baker, &c.—Official assignee, Christie.—Sol. Wicks, Cook's-court, Lincoln's Inn. Fiat, Mar. 11. Pet. Cr. Richard Warner, of Coventry, Warwickshire, public officer and member of the copartnership of persons carrying on business as bankers in Coventry, called 'The Coventry Union Banking Company.'

SARGINSON William, and **Matthew Rigby**, both of Bury, in the county of Lancaster, joiners and builders, copartners, &c.—Official assignee, Pott.—Sols. Messrs. Clarke, Gray & Woodcock, Lincoln's Inn-fields, and Whitehead, Bury. Fiat, Mar. 15. Bankrupt's own petition.

SHIPLEY Henry William, of the town and county of the town of Nottingham, lace-manufacturer, &c.—Official assignee, Bittleston.—Sol. Bowley, Nottingham. Fiat, Mar. 10. Bankrupt's own petition.

SLATTERY Thomas, of Liverpool, in the county of Lancaster, cornbroker.—Official assignee, Turner.—Sols. Messrs. Sharpe & Co. Bedford-row, and Lowndes & Co. Liverpool. Fiat, Mar. 10. Bankrupt's own petition.

SMITH William, of Uttoxeter, in the county of Stafford, mercer, draper, and letter-press printer.—Official assignee, Valpy.—Sol. Catlow, Cheadle. Fiat, Feb. 25. Pet. Cr. John Smith, of Bradley in the Moors, Staffordshire, farmer, executor of Thomas Smith, deceased.

TEIL George, and **Basil McKensie Ronald**, of Old Jewry Chambers in the city of London, East India merchants and partners, &c., carrying on business under the style or firm of George Teil & Co.—Official assignee, Bell.—Sols. Messrs. Hughes, Klerney & Masterman. Fiat, Mar. 17. Pet. Crs. Horatio, Simon, Samuel and Richard Wood, of No. 8, Mincing-lane, brokers.

WALKDEN Thomas, of Mansfield, in the county of Nottingham, scrivener and share-dealer, &c.—Official assignee, Freeman.—Sols. Messrs. Moss, Serjeants' Inn, and Branson, Sheffield. Fiat, Mar. 8. Bankrupt's own petition.

WAVELL Thomas Bruce, of Lake, in the parish of Brading, Isle of Wight, in the county of Hants, miller, maltster and corn-merchant.—Official assignee, Graham.—Sol. Turnley, Ludgate-street. Fiat, Mar. 17. Bankrupt's own petition.

CERTIFICATES to be allowed April 9.

Cook Thomas, of Leicester, printer.
Garbanati Paul, of Woolwich, carver, late of Newman-street.
Hallam Richard, of Newcastle-under-Lyme, grocer.
Hunter William, of Gray's Inn-lane, coach-maker.
Johnson William, of Hampstead, builder.
Morris Isaac, of Mayfield, cattle-dealer.
Penny Robert, of Cockermouth, mercer.
Shen Benjamin, of Manchester, cotton-spinner, (partner with Matthew Burton).
Taylor John Fogg, of Wigan, cotton-spinner.
Wilding George, of Dartford, miller.

DIVIDENDS.

Date of Fiat.
1846, **HEY Stephen**, of Colne, Lancashire, worsted and cotton manufacturer; first div.
1845, **JONES Edward**, the elder, of Budge-row, London, pasteboard manufacturer and coloured paper maker; div.
1843, **JONES William**, of Park, near Cardiff, Glamorganshire, carrying on business at Cardiff and Merthyr, Glamorganshire, ship-builder and timber-merchant; div.
1846, **LAKE William**, of Henfield, Sussex, grocer; div.
1846, **MILLER Joseph**, of Whitebury-street, Hampstead-road, Middlesex, painter and glazier; div.
1841, **MOLYNEUX Thomas Blyads**, and **Percival Witherby**, of Liverpool, Lancashire, merchants; joint div. and sep. div. of Molyneux.
1846, **PRITCHARD James**, of No. 17, Seymour-place, Camden-town, Middlesex, butcher; div.
1842, **SEDDON William**, and **Francis Jordan**, of St. Helen's, Lancashire, millers and flour-dealers; div.
1845, **SMITH Thomas Clery**, and **Richard Hayes**, both of No. 13, Henrietta-street, Covent-garden, Middlesex, hotel keepers; sep. divs.
1839, **WARNER Simeon Charles**, of Walworth-road, Surrey, coal-dealer; div.
1811, **WESTON John**, of Liverpool, Lancashire, merchant, partner with William Rigg, of Liverpool, merchant, and Isaac Milburne, late of Liverpool, but now of Guadaloupe, merchant; div.

Gazette, Tuesday, March 23.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

SPENCER John, of Sneinton, nurseryman.

TOWN AND COUNTRY FIATS.

BENSON Richard, of Liverpool, in the county of Lancaster, share-broker.—Official assignee, Morgan.—Sols. Sharpe & Co. Bedford-row, and Lowndes & Co. Liverpool. Fiat, Mar. 16. Bankrupt's own petition.

DICKINSON Wilson, of Tib-lane, in Manchester, in the county of Lancaster, saddler, &c.—Official assignee, Hobson.—Sols. Wathen, Basinghall-street, and Fogg, Manchester. Fiat, Mar. 18. Bankrupt's own petition.

KING Henry, of the Crown public-house, North-end, Fulbam, in the county of Middlesex, victualler, &c.—Official assignee, Whitmore.—Sol. Buchanan, Basinghall-street. Fiat, Mar. 19. Bankrupt's own petition.

ROBINSON Joseph Samuel, formerly of No. 154, Goswell-street, then of No. 39, Oxford-street, then of No. 395, Oxford-street, and now of No. 92, New Bond-street, all in the county of Middlesex, upholsterer, &c.—Official assignee, Belcher.—Sol. Bradley, Berners-street. Fiat, Mar. 22. Bankrupt's own petition.

TAYLOR Joseph, of Bury, in the county of Lancaster, grocer and flour-dealer, &c.—Official assignee, Fraser.—Sols. Clarke & Co. Lincoln's Inn-fields, and Whitehead, Bury. Fiat, Mar. 17. Bankrupt's own petition.

WILLIAMS Thomas, of the town of Hay, in the county of Brecon, maltster.—Official assignee, Acraman.—Sol. Sabine, Bristol. Fiat, Mar. 18. Bankrupt's own petition.

CERTIFICATES to be allowed April 13.

Davis John, of Tawkesbury, hosier.
Fitzhugh William Henry, of Liverpool, merchant and ship-broker, (partner with Robert Edwards Walker).
Perry William Batt, of Croydon, draper.

DIVIDENDS.

Date of Fiat.

1846, **COXWELL George Samuel**, and **William Croser**, of Newcastle-upon-Tyne, merchants, ship and insurance brokers and commission-agents; first joint div.
1846, **CROSLING William**, of Bellericay, Essex, linen-draper; div.
1846, **GROVES William**, of Huntingdon, grocer and tea-dealer; div.
1845, **HANSEN Peter**, of Newcastle-upon-Tyne, merchant and ship-owner; fur. div.
1845, **HEPPELL Thomas**, of Newcastle-upon-Tyne, timber-merchant, carrying on business under the style or firm of Thomas Heppell & Co.; fur. div.
1846, **HOWARD Philip**, of Hingham, Norfolk, wine-merchant; div.
— **JARVIS Joseph**, and **James Jarvis**, of Great Bush-lane, Cannon-street, London, wine and spirit merchants, trading under the firm of Jarvis & Co.; div.
1846, **KING John**, of No. 44, Kingland-road, Middlesex, soap-maker and tallow-chandler; div.
1846, **METFORD Joseph**, late of Bath, Somersetshire, wine-merchant, but now of Oldfield Lodge, in Lyncombe and Widcomb, said county; div.
1846, **MOORE Thomas**, of St. Albans, Hertfordshire, furniture-broker and general dealer; div.
1841, **POTT George**, **Samuel Potter**, and **John Krauss**, of Manchester, Lancashire, and of Birkacre, near Chorley, said county, calico-printers, and trading at Manchester and Birkacre, under the firm of George and Samuel Potter; final div.
1843, **ROLFE William**, of Therfield, Hertfordshire, farmer and corn merchant; final div.
1847, **ROUSE John**, of Lower Paul-street, in St. Paul, Exeter, plumber; div.
1845, **ROWBOTHAM Henry**, and **Robert Johnson Kenworthy**, of Brinksway, near Stockport, Cheshire, and of Manchester, Lancashire, calico-printers; div.

Date of Fiat

- 1846, **RUSSELL** Alexander, of Ashford, Kent, saddler and harness-maker; div.
- 1846, **TRICE** William, of No. 6, High-street, Stepney, Middlesex, grocer and tea-dealer; div.

Gazette, Friday, March 26.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

- BEAUMONT** Richard, of No. 15, High-street, Deptford, in the county of Kent, woollen-draper.—Official assignee, Green.—Sols. Norton & Son, New-street, Bishopsgate. Fiat, Mar. 19. Pet. Cr. James Laidler and George Plank, of No. 15, Basinghall-street, woollen-warehousemen.
- BROWN** Samuel, of the town of Trowbridge, in the county of Wilts, woollen-cloth manufacturer.—Official assignee, Miller.—Sols. Valance & Beioley, Old Jewry Chambers. Fiat, Mar. 23. Pet. Cr. William Willis, of Trowbridge, wool-agent and dealer.
- CLARIDGE** Francis, of No. 44, Southampton-row, Bloomsbury, in the county of Middlesex, wine-merchant, *d. c.*, and formerly of No. 21, Pudding-lane, in the city of London, wine-merchants.—Official assignee, Edwards.—Sol. Walters, Basinghall-street. Fiat, Mar. 13. Pet. Cr. Joseph Taylor, of No. 16, Clement's-lane, plumber.
- DENYER** William, of Littlehampton, in the county of Sussex, plumber, glazier and painter, *d. c.*—Official assignee, Turquand.—Sols. Rolfe & Edmunds, South-square, Gray's Inn, and Edmunds, Worthing. Fiat, Mar. 19. Pet. Cr. William Read, of Little Hampton, gent.
- DUTCHMAN** Hewson, of Liverpool, in the county of Lancaster, merchant and ship-owner.—Official assignee, Cazenove.—Sols. Holme & Young, New Inn, and Yates, jun., Liverpool. Fiat, Mar. 17. Pet. Cr. Henry Louch, of Love-lane, Shadwell, rope-maker, and John Louch and John Thompson, his copartners.
- FRANCIS** Jesse, of High-street, Holywell, in the county of Flint, grocer and provision-dealer, *d. c.*—Official assignee, Morgan.—Sols. King, Furnival's Inn, and Cunnah, Chester. Fiat, Mar. 22. Bankrupt's own petition.
- HALL** Isaac, of Dobcross, within Saddleworth, in the county of York, machine-maker, wheelwright, timber-merchant, *d. c.*—Official assignee, Pott.—Sols. Rickards & Walker, Lincoln's Inn-fields, and Buckley, Ashton-under-Lyne. Fiat, Mar. 20. Bankrupt's own petition.
- HUTCHISON** John, of No. 27, Lloyd-square, in the county of Middlesex, wine-merchant and commission-agent, *d. c.*—Official assignee, Cannan.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Mar. 12. Pet. Cr. Andrew Martin, of No. 124, Bishopsgate-street, merchant.
- JOHNSON** Matthew, of Leeds, in the county of York, spindle-maker, *d. c.*—Sols. Singleton, Great James-street, Bedford-row, and Barret, Leeds. Fiat, Mar. 20. Pet. Cr. Charles Naylor, of Leeds, attorney-at-law.
- KITSON** Richard, of Cleckheaton, in the county of York, town-spinner, lately carrying on business at Brighthouse, in the said county, under the style or firm of Richard Kitson & Company.—Official assignee, Hope.—Sols. Milton & Co. Southampton-buildings, and Dunning & Co. Leeds. Fiat, Mar. 16. Pet. Crs. Jonas Brown, of Gildersome, in the county of York, and John Brown, sen., Thomas Brown, and John Brown, jun., flax-spinners.
- SCOTT** Jeremiah, of Leeds, in the county of York, share-broker, *d. c.*—Official assignee, Young.—Sols. Sudlow & Co. Chancery-lane, and Naylor, Leeds. Fiat, Mar. 20. Bankrupt's own petition.
- SMITH** William, of Uttoxeter, in the county of Stafford, mercer, draper, and letter-press printer.—Official assignee, Valpy.—Sols. Cattlow, Chesdale, and Motteram & Knowles, Birmingham. Fiat, Feb. 25. Pet. Cr. John Smith, of Bradley in the Moors, Staffordshire, farmer, executor of Thomas Smith, deceased.
- WHITE** James, of Church-road, Stanley, in the township of West Derby, in the parish of Walton on the Hill, in the county of Lancaster, joiner, builder and cabinet-maker, *d. c.*—Official assignee, Turner.—Sols. Johnson & Co. Temple, and Snowball, Liverpool. Fiat, Mar. 18. Bankrupt's own petition.

CERTIFICATES to be allowed April 16.

- Burton Samuel George, of Sidmouth, gas-manufacturer.
- Clark Frances, of George-street, Adelphi, jewel-case maker.
- Dredge John, of Liverpool, victualler.
- Everton William, of Bunhill-row, turner.
- Mann Robert, of Huntingdon, chemist.
- Moore John Percy, of Plymouth, chemist.
- Page Samuel, of Nottingham, currier.
- Sneezum Charles, of Wynyatt-street, and Old-street, victualler.

DIVIDENDS.

Date of Fiat.

- 1847, **BOURQUIN** Francis Henry, of Northampton-square, Clerk-enwell, Middlesex, watch manufacturer and importer; div.
- 1846, **HUDDLESTON** Abraham, of Boston, in Bramham, Yorkshire, corn-miller and farmer; div.
- 1843, **JOHNSON** Gaskell, of Liverpool, Lancashire, merchant and commission-agent, now or late carrying on business in Pernambuco in the Brasils, with Robert Jones, Joseph Ridgway, and Robert Cheshire Janion, under the firm of Gaskell Johnson, and in Manchester, Lancashire, with Robert Cheshire Janion and Robert Jones, under the firm of Robert Cheshire Janion & Co., and at Liverpool, with Robert Jones, under the firm of Jones & Johnson; first joint div.
- 1846, **LATHAM** Samuel Metcalfe, of Dover, Kent, baker and ship-agent; div.
- 1844, **SAFFRAN** Henry Joseph Edward, of Huddersfield, Yorkshire, cloth-merchant; div.
- 1846, **WARD** Francis, of Batley, Yorkshire, rag-merchant; div.

Gazette, Tuesday, March 30.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

- BONDS** William Heath, of the Duke of Cornwall public-house, Creek-road, Deptford, in the county of Kent, licensed victualler, victualler, *d. c.*—Official assignee, Groom.—Sols. Symes & Co. Fenchurch-street. Fiat, Mar. 25. Pet. Cr. Henry James Howe, George Matthew Howe, and Frederick Woodbridge, of East Smithfield, brewers.
- BURROWS** Jeremiah, late of Hucknell under Huthwaite, in the county of Nottingham, but now of Sutton in Ashfield, in the said county of Nottingham, farmer and publican, *d. c.*—Official assignee, Freeman.—Sols. Stevens & Co. Queen-street, Cheapside, and Jessop, Alfreton. Fiat, Mar. 25. Bankrupt's own petition.
- CHAPPEL** Stephen, and James Chappel, of Hunslet, in the parish of Leeds, in the county of York, earthenware manufacturers, *d. c.* and copartners in trade, carrying on business under the firm of H. J. Chappel, at the Leeds Pottery, and at the Leathley-lane Pottery respectively, at Hunslet aforesaid.—Official assignee, Freeman.—Sols. Wiglesworth & Co. Gray's Inn, and Smith, Leeds. Fiat, Mar. 25. Pet. Cr. Frederick William Holmes, of Leeds, wine-merchant and cigar-dealer.
- CHATTERTON** Joseph, of Manchester, in the county of Lancaster, coach-builder.—Official assignee, Hobson.—Sols. Armstrong, Staple Inn, and Woodburne, Manchester. Fiat, Mar. 26. Bankrupt's own petition.
- HALL** John, of No. 19, Surrey-street, Strand, in the county of Middlesex, and formerly of Bridge Town, in the Island of Barbadoes, and of St. Peter's-alley, Cornhill, in the city of London, merchant, surviving partner of Edward Bernard Hall, deceased.—Official assignee, Turquand.—Sols. Wilde & Co. College-hill. Fiat, Mar. 27. Bankrupt's own petition.
- HOWELL** Henry, of Shrewsbury, in the county of Salop, draper, *d. c.*—Official assignee, Follett.—Sols. Soles & Turner, Aldermanbury. Fiat, Mar. 26. Pet. Crs. Henry Sturt, Benjamin Bradley Ward, James Carter Sharp, and John Ward, of Woolstreet, warehousemen.
- HODGSON** William, the younger, of the township of Halton, in the parish and borough of Leeds, in the county of York, licensed victualler.—Official assignee, Freeman.—Sols. Jacques & Co. Ely-place, Holborn, and Greaves, Leeds. Fiat, Mar. 23. Bankrupt's own petition.

JEBB John, of Stanwardine in the Fields, in the parish of Baschurch, in the county of Salop, grocer and publican.—Official assignee, Valpy.—Sols. Motteram & Knowles, Birmingham. Fiat, Mar. 25. Bankrupt's own petition.

LOVATT William Henry, of Wolverhampton, in the county of Stafford, factor, d. c.—Official assignee, Christie.—Sol. Robinson, Wolverhampton, and Motteram & Knowles, Birmingham. Fiat, Mar. 26. Bankrupt's own petition.

MARSHALL Edward, of No. 41, Clifton-street, Sun-street, Finsbury, in the county of Middlesex, pewterer, d. c.—Official assignee, Edwards.—Sol. Buchanan, Basinghall-street. Fiat, Mar. 26. Bankrupt's own petition.

SHARP James, now residing at East Riddlesden Hall, in the parish of Bingley, in the county of York, carrying on business at Riddlesden, in the said parish, as a coal-merchant, d. c., and heretofore carrying on business (along with Christopher Stowell, of Little Horton, in the parish of Bradford, in the said county, at Bradford, in the said parish of Bradford, as worsted-spinners, under the name, style, or firm of the Executors of the late Squire Sharp, and subsequently carrying on business at Leeds, in the said county, as a fire-brick manufacturer.—Official assignee, Hope.—Sols. Sharpe & Co. Bedford-row, Weatherhead & Co. Bingley, and Bond, Leeds. Fiat, Mar. 22. Bankrupt's own petition.

SIVILL Thomas, of Liverpool, in the county of Lancaster, publican.—Official assignee, Bird.—Sols. Chester & Co. Staple Inn, and Avison & Co. Liverpool. Fiat, Mar. 25. Bankrupt's own petition.

SOAR George Atkins, carrying on the trade or business of a glass-cutter and lead-merchant, at No. 20, Great Marylebone-street, in the parish of St. Marylebone, in the county of Middlesex.—Official assignee, Graham.—Sols. Bicknell & Co. Connaught-terrace, Edgeware-road. Fiat, Mar. 27. Bankrupt's own petition.

SWAIN William, of Cheltenham, in the county of Gloucester, builder, plumber and glazier, d. c.—Official assignee, Hutton.—Sols. Winterbotham & Co. Cheltenham. Fiat, Mar. 28. Pet. Cr. John Denley, of Withington, quarryman.

TIPPER Augusta Sophia, Henry Roe Tipper, and Alfred Tipper, of No. 42, Upper Thames-street, in the city of London, and of Horton Mills, in the county of Bucks, wholesale stationers and paper-manufacturers, and copartners, trading under the style or firm of Samuel Tipper & Co.—Official assignee, Belcher.—Sol. Spicer, Great Marlborough, Bucks. Fiat, Mar. 22. Pet. Cr. William Bond, of Great Marlborough, Bucks, builder.

TRANTER James, the younger, of Uttoxeter, in the county of Stafford, timber-merchant.—Official assignee, Valpy.—Sols. Palmer, Rugeley, and Smith, Birmingham. Fiat, Mar. 17. Pet. Cr. Joseph Palmer, of Rugeley, timber-merchant.

CERTIFICATES to be allowed April 20.

Blunden John, of Basingstoke, baker.
Griffiths John, of Liverpool, wholesale stationer.
Mullett William, of West Peckham, paper-manufacturer.
Pattie David, of Edgeware-road, stationer.
Samson Robert William, of King's Wharf, coal-merchant.

DIVIDENDS.

Date of Fiat.
1841, **CHAMBERS** John Choyce, of Ipaley, Warwickshire, needle-manufacturer; fin. div.
1847, **COWPER** William Frederick, Benjamin Farrar Cowper, and Paul Edwin Cowper, of Darlington, Durham, linen-draper; first joint div., and first sep. div. of B. F. and W. F. Cowper.
1846, **FALSHAW** John Wallace, of Farringdon, Berkshire, grocer; div.
1824, **GLADSTONE** Samuel Palmer, of Crisp-street, East India-road, Poplar, Middlesex, shipwright; div.
1839, **JEFFREY** John, of Tonbridge Wells, in Speldhurst, Kent, grocer; div.
1814, **KING** James Bagster, of Newgate-street, London, and of Hampstead, Middlesex, warehouseman and bill-broker; div.
1845, **LOCKWOOD** William, of Hightown, in Birstall, Yorkshire, worsted-spinner and stuff-manufacturer; div.
1816, **LONGBOTTOM** William, and Ralph Bentley, both of Rochdale, Lancashire, wool-merchants; joint div., and sep. div. of William Longbottom.

Date of Fiat.

1847, **MACKAY** James, of Liverpool, Lancashire, tailor and draper; div.
1826, **OGLE** Edward Lodge, of Clement's-lane, London, brick-maker and scrivener; div.
1844, **PETTIGREW** Robert, the younger, of Mulgrave-place, Woolwich, Kent, tailor; div.
1847, **PLEWS** John, of Store street, Bedford-square, Middlesex, timber-merchant; div.
1844, **ROBERTS** Thomas, of Blackman-street, Southwark, Surrey, linen-draper; div.
1844, **SHOTTER** Francis, of Portsea, Hants, grocer and tea-dealer; div.
1843, **TIPPLE** Jasper Howse, of Wymondham, Norfolk, bomb-seeen manufacturer; div.
1835, **VAUGHAN** Richard, late of the Burton Coffee-house, in or near Freeman's-court, Cheapside, London, but now a prisoner in the Fleet, coffee-house keeper; div.
1841, **WEST** Frederick Thomas, of the Commercial Wharf, Commercial-road, Lambeth, coal-merchant; div.
1846, **WILKINSON** John, of Stockton-upon-Tees, Durham, wharfinger and ship-owner; first div.

Gazette, Friday, April 2.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BARLOW John, the elder, and James Gill, of Calvert's-buildings, in the borough of Southwark, in the county of Surrey, and of Maidstone, in the county of Kent, hop-factors, partners, d. c.—Official assignee, Johnson.—Sols. Gregson & Kewell, Angel-court, Throgmorton-street.

BIRRELL Andrew, late of Liverpool, in the county of Lancaster, vinegar-manufacturer, d. c., now residing in Salford, in the said county.—Official assignee, Cazenove.—Sols. Johnson & Co. Temple, and Snowball, Liverpool. Fiat, Mar. 29. Bankrupt's own petition.

COOK Henry James, of Hedge-row, High-street, Islington, in the county of Middlesex, linen-draper, d. c.—Official assignee, Graham.—Sols. Hardwick & Co. Weavers' Hall. Fiat, Mar. 30. Pet. Crs. John Bradbury, Jeremiah Greatorex, and Richard Beal, of Aldermanbury, warehousemen.

JEBB John, of Stanwardine in the Fields, in the parish of Baschurch, in the county of Salop, grocer and publican.—Official assignee, Valpy.—Sols. Motteram & Knowles, Birmingham. Fiat, Mar. 25. Bankrupt's own petition.

JONES Henry, of No. 14, Grosvenor-row, Piccadilly, and of Smith-street, King's-road, Chelsea, in the county of Middlesex, oil and colourman, d. c.—Official assignee, Whitmore.—Sol. Shaw, Fish-street-hill. Fiat, Mar. 26. Pet. Crs. George Ferrell and William George Watson, of No. 133, Fenchurch-street, oilmen.

JONES George, late of Rough Hills, Bilston, in the county of Stafford, victualler, d. c.—Official assignee, Whitmore.—Sol. Barsteet, Birmingham. Fiat, Mar. 22. Pet. Cr. Francis Clements, of Birmingham, hop-merchant.

MACOUN Robert, of Bolton, in the county of Lancaster, cotton-spinner, d. c.—Official assignee, Fraser.—Sols. Johnson & Co. Temple, and Woodhouse, Bolton. Fiat, Mar. 25. Pet. Cr. Thomas Cullin, of Bolton, cotton-spinner.

PRICE John Jones, of the town of Bulth, in the county of Brecon, tanner, currier, d. c.—Official assignee, Hytton.—Sols. Brittan & Sons, Bristol. Fiat, Mar. 27. Bankrupt's own petition.

CERTIFICATES to be allowed April 23.

Grossmith William George, of Romsey Extra, brewer.
Leipold Johann, of Birmingham, music-seller.
Timmis Joseph, of Newcastle-under-Lyme, brewer, (partner with John Benson Browne).

DIVIDENDS.

Date of Fiat.

1846, **BARTLETT** Charles, of Southampton, merchant; final div.
1847, **BOND** John, and Edward Morgan, of No. 25, Oxford-street, Middlesex, shawl-manufacturers and furriers; joint div.

Date of Fiat.

- 1842, GALE James, the elder, and James Gale, the younger, of Love-lane, Shadwell, Middlesex, rope-makers, paint and colour manufacturers, trading under the firm of James Gale & Son; div.
- 1846, HUMBY John Cross, of No. 102, Blackfriars-road, Surrey, and of Church-lane, Northampton, boot and shoe manufacturer; div.
- 1842, KIRKPATRICK James, of Newport, Isle of Wight, Southampton, banker; div.
- 1845, SMITH Walter, of Abergavenny, Monmouthshire, innkeeper and victualler; div.
- 1846, UFFORD John George, of Highbury Brewery, Holloway, Middlesex, common brewer; div.

Gazette, Tuesday, April 6.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- CARTWRIGHT John, residing at Shrewsbury, in the county of Salop, iron-founder, *d. c.*—Official assignee, Whitmore.—Sols. Smith, Wolverhampton, and Smith, Birmingham. Fiat, Mar. 29. Pet. Cr. Charles Henry Matthews, of Wolverhampton, tailor.
- DEACON Mary, of the city of Norwich, carrier, carrying on business under the name or firm of Mack & Co.—Official assignee, Bell.—Sols. Wilkinson & Rasch, Nicholas-lane. Fiat, Mar. 22. Pet. Cr. Stephen Phillips, of New Broad-street, merchant.
- MACKEY William Henry, of the town and county of the town of Southampton, attorney, lodging and boarding-house keeper, *d. c.*—Official assignee, Bell.—Sol. Walker, Lombard-street. Fiat, April 1. Pet. Cr. Jeremiah Pratt, of Southampton, painter.
- SYMES Thomas, of Bridgewater, in the county of Somerset, scrivener, *d. c.*—Official assignee, Hernaman.—Sols. Trevor, Bridgewater, Holme & Co. New Inn, and Stogdon, Exeter. Fiat, Mar. 29. Pet. Cr. Sir Peregrine Palmer Fuller Palmer Ackland, of Stounsey, baronet.
- WARD James Bryan, late of Birmingham, in the county of Warwick, cheese-factor, provision-dealer, and ester and roller of metals, but now of the same place, out of business.—Official assignee, Valpy.—Sols. Hiern, Stafford, and James, Birmingham. Fiat, Mar. 31. Bankrupt's own petition.
- WILSON Frederick George, of Pangbourn, near Reading, in the county of Berks, draper, grocer, baker, leather-cutter, and shoe-factor, *d. c.*—Official assignee, Groom.—Sol. Peddell, Cheapside. Fiat, April 5. Bankrupt's own petition.

CERTIFICATES to be allowed April 27.

- Cleversley William, of Cumberland-place, Old Kent-road, table-cover manufacturer.
- Hudson John, of Nottingham, lace-manufacturer.
- Sloan John Thomas Kent, of Manchester, tavern-keeper.
- Taylor John, of Hollinwood and Manchester, rope-manufacturer.
- Thorn Alexander, of High Holborn, oilman.

DIVIDENDS.

Date of Fiat.

- 1847, ASHBY Charles, of Bishop's Stortford, Hertfordshire, tailor; div.
- 1846, BICKERTON James, of Castle-street, Southwark, Surrey, hat-manufacturer, trading under the firm of Bickerton & Son; div.
- 1845, BICKERTON William, of the town or borough of Kingston-upon-Hull, timber-merchant and sawyer; first div.
- 1846, BURTON Daniel, and John Burton, both of Middleton, Lancashire, cotton-spinners, trading under the firm of Daniel Burton & Co.; div.
- 1825, GILPIN William, of Villiers-street, Strand, Middlesex, army clothier and agent; div.
- 1846, HANNAFORD Peter Allan, of High-street, Exeter, bookseller and stationer; div.
- 1847, JOHNSON John, of Chelmsford, Essex, grocer; div.

Date of Fiat.

- 1846, KNIGHTS Jonathan, of Great Melton and Thurgarton, Norfolk, cattle-dealer and salesman; div.
- 1847, PRIOR John, of St. Blazey, Cornwall, tailor; div.
- 1831, WRIGHT John Isaac Barber, of Liverpool, Lancashire, druggist; div.

Gazette, Friday, April 9.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BARRACLOUGH Thomas, of Stafford House, Skircoat, in the parish of Halifax, in the county of York, woollen-cloth manufacturer.—Official assignee, Hope.—Sols. Williamson & Co. Great James-street, Rudd & Kenny, Halifax, and Bond & Barwick, Leeds. Fiat, April 1. Pet. Cr. James Baraclough, of Shaw Syle, Halifax, fine-drawer.
- BLACKFORD Thomas, of No. 20, Little Wild-street, Lincoln's Inn-fields, in the county of Middlesex, horse-hair manufacturer.—Official assignee, Belcher.—Sol. Gooday, South-square, Gray's Inn. Fiat, Mar. 8. Bankrupt's own petition.
- CAPPS Thomas, of Norfolk-street, Lynn, in the county of Norfolk, dealer in toys, *d. c.*—Official assignee, Johnson.—Sol. Goddard, King-street. Fiat, Mar. 22. Pet. Cr. John Sewell, of Fore-street, Cripplegate, Jeweller.
- CAWSTON Frederick Harding, of Earl's Colne, in the county of Essex, plumber and glazier.—Official assignee, Green.—Sol. Gooday, Gray's Inn. Fiat, Mar. 30. Bankrupt's own petition.
- DANGERFIELD Alexander Daniel, late of No. 13, Salisbury-square, Fleet-street, in the city of London, printer and stationer.—Official assignee, Pennell.—Sol. Gray, Great Tower-street. Fiat, Mar. 31. Pet. Crs. Richard James Woodcock and William Henry Woodcock, of Warwick-lane, printers.
- DOBSON John Richard, of No. 2, St. Thomas's-street, in the borough of Southwark, in the county of Surrey, hop-merchant, *d. c.*—Official assignee, Follett.—Sol. Walker, Furnival's Inn. Fiat, April 7. Pet. Cr. John Harrison, of High-street, Borough, hop-factor.
- MARKINS Edward, of the Crown Inn, Upper Holloway, in the parish of Islington, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Whitmore.—Sol. Brooks, Great James-street. Fiat, April 7. Pet. Cr. Henry Budd, of Buckley-street, Red Lion-street, Whitechapel, tobacconist.
- TOWNLEY William, of Blackburn, in the county of Lancaster, cotton-spinner and cotton-manufacturer.—Official assignee, Hobson.—Sols. Milne & Co. Temple, Sale & Co. Manchester, and Neville & Ainsworth, Blackburn. Fiat, April 5. Pet. Cr. William Yate, of Blackburn, Lancashire, iron-founder.
- WORTHINGTON Henry, of Eccleshill, in the county of Lancaster, cotton-manufacturer, *d. c.*—Official assignee, Pott.—Sols. Milne & Co. Temple, Sale & Co. Manchester, and Neville & Co. Blackburn. Fiat, Mar. 26. Pet. Cr. Charles Vose, of Blackburn, Lancashire, corn-dealer.

CERTIFICATES to be allowed April 30.

- Carr Henry Ward, of Liverpool, stock-broker, (partner with George Edward Schultz).
- Forster Michael, of Copley, timber-merchant, (partner with William Luke Prattman, of Butterknowle Lodge).
- Graham Joseph, sen., of Alnwick, bookseller.
- Hulse Thomas, of Birmingham, bookseller.
- Ivens Edmund Masters, of Long Itchington, salesman.
- King James, jun., of Budge-row, tea-dealer.

DIVIDENDS.

Date of Fiat.

- 1845, BATT John, and Thomas Batt, of Old Broad-street, London, dealers in silk and silkmen; final joint div., and sep. div. of John Batt.
- 1846, BLACKMORE Christopher, of No. 10, Cork-street, Middlesex, tailor; div.
- 1841, CASTLE Henry, of Lucas-street, Rotherhithe, Surrey, ship-owner; div.

Date of Fiat.

- 1846, DODGSON John, and George Bradbury, of Bishopsgate-street Without, and Moor-lane, Fore-street, London, ironmongers and mustard-manufacturers; sep. div. of Dodgson.
- 1837, JEWESSON Richard, of Fenchurch-street, London, merchant; div.
- 1841, MARSHALL William, and Henry Rodgers, both of Liverpool, Lancashire, iron-founders; div.
- 1845, SENIOR William, of Sheffield, Yorkshire, hosier; second and final div.
- 1838, STRUTTON George, of Chester, hotel and tavern-keeper; fur. div.
- 1846, SUCH Joseph James, of No. 20, Bolingbroke-row, Walworth-road, St. Mary, Newington, Surrey, auctioneer and upholsterer; div.

Gazette, Tuesday, April 13.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

- BELL Mary Elizabeth, of No. 16, Finch-lane, Cornhill, in the city of London, news-vender, *d. c.*—Official assignee, Edwards.—Sol. Johnston, Chancery-lane. Fiat, April 8. Pet. Cr. Henry Woods, of No. 3, Tollington Park, Hornsey, gent.
- DENMAN Thomas, of No. 83, Quadrant, Regent-street, and of No. 7, Buckingham-street, Fitzroy-square, both in the county of Middlesex, stone-mason, statuary, *d. c.*—Official assignee, Follett.—Sols. Lewis & Lewis, Ely-place. Fiat, April 9. Bankrupt's own petition.
- DICKINSON Robert, of Poulton in the Fylde, in the county of Lancaster, maltster, spirit-merchant, porter-dealer, *d. c.*—Official assignee, Bird.—Sols. Appleby, Harpur-street, Liddell, Poulton on the Fylde, and Thompson, Liverpool. Fiat, April 8. Bankrupt's own petition.
- DUNNICLIFF John Dearman, of the town and county of the town of Nottingham, lace-manufacturer.—Official assignee, Bittleston.—Sol. Camm, Nottingham. Fiat, April 5. Bankrupt's own petition.
- FACEY Hugh Hill, of the city of Exeter, builder.—Official assignee, Hirtzel.—Sols. Fulford, Exeter, and Coode & Co. Bedford-row. Fiat, April 5. Bankrupt's own petition.
- FURLONG Peter, of the city of Halifax, Nova Scotia, in the province of Nova Scotia, all in British North America, and of Liverpool, in the county of Lancaster, merchant, *d. c.*—Official assignee, Morgan.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, April 5. Bankrupt's own petition.
- KNIGHT William, of Reading, in the county of Berks, wine-merchant, *d. c.*—Official assignee, Pennell.—Sols. Holmes, Great James-street, and Clarke, Reading. Fiat, April 9. Bankrupt's own petition.
- PETTET Edward, and William Newton, of Lancaster-place, Strand, in the county of Middlesex, navy-agents, commission-agents, *d. c.*—Official assignee, Johnson.—Sol. Coote, Bucklersbury. Fiat, April 8. Bankrupt's own petition.
- ROGERS Edward, late of Seacombe-street, and Great Homer-street, in the township of Everton, within the borough of Liverpool, in the county of Lancaster, licensed victualler, *d. c.*—Official assignee, Turner.—Sols. Johnson & Co. Temple, and Dewhurst, Liverpool. Fiat, April 5. Bankrupt's own petition.

SMITH Richard, of Kenn, in the county of Devon, butcher and beer seller.—Official assignee, Hirtzel.—Sols. Turner, Exeter, and Cowland, Lincoln's Inn-fields. Fiat, April 5. Bankrupt's own petition.

STEWART Charles, of No. 4, Little St. James's-street, in the parish of St. James, in the county of Middlesex, builder, *d. c.*—Official assignee, Pennell.—Sol. Angell, Dean's-court, Doctors' Commons. Fiat, Mar. 15. Pet. Cr. Joseph Sloper, of No. 106, High-street, Marylebone, painter.

TIRBEY Edward, of No. 22, Frith-street, Soho, in the county of Middlesex, diamond-merchant, *d. c.*—Official assignee, Johnson.—Sol. Teague, Crown-court, Cheap-side. Fiat, April 10. Pet. Cr. George Hennell, of Southampton-street, Bloomsbury, diamond merchant.

CERTIFICATES to be allowed May 4.

- Ashby Charles, of Bishop's Stortford, tailor.
- Bailey Thomas, of Wolverhampton, printer.
- Crisp Fortunatus Robert Townsend, of Wellington-street North, printer, (partner with James Gardiner).
- Elliot Robert, of Liverpool, agricultural implement maker.
- Ellis John Walker, of Lawrence-lane, cloth-merchant.
- Graham Charles William, of King's Arms-yard, merchant.
- Luntley Philip James, of Bread-street-hill, druggist.
- Titely John, of High-street, Southwark, woollen-draper.
- Vaughan William Robert, of Bristol, builder.

DIVIDENDS.

Date of Fiat.

- 1831, ANDREW Charles, and William Balles, of Compton-street, Clerkenwell, Middlesex, nail and iron warehousemen; div.
- 1846, ASPINALL John, of Manchester, in the county of Lancaster, cotton-manufacturer, (surviving partner of Charles Cheetham, late of the same place, deceased) and which said John Aspinall and Charles Cheetham carried on business as cotton-manufacturers, under the firm of Cheetham & Aspinall; first div.
- 1846, BIRCHALL Alfred, of Manchester, Lancashire, share-broker; first div.
- 1835, BULLEN Hugh, of Liverpool, Lancashire, brewer and rectifier of spirits; div.
- 1845, BURT William, late of No. 35, Harrow-road, Paddington, and now of No. 86, Lisson-grove, New-road, boarding and lodging house keeper; div.
- 1845, CHANDLER Benjamin, of Stanmore, Middlesex, ironmonger; div.
- 1839, COOKE Joseph, of Greenwich, Kent, stone-mason; div.
- 1841, HALLIWELL William, of Manchester, Lancashire, and of Lower Darwen, said county, cotton-manufacturer, and also of Blackburn, said county, sizer; div.
- 1844, HARRIS John Quincey, of Winchester-place, Southwark, Surrey, hat-manufacturer; div.
- 1837, LEES Aaron, of Gorton, and of Manchester, Lancashire, manufacturer and cotton-spinner, trading under the firm of John Lees & Son, and also of the Crumpsall Mill Company; final div.
- 1846, MORRIS James Covel, of the Curtain-road, Shoreditch, Middlesex, cabinet-maker; div.
- 1846, STEPHENSON Christopher, of Colne, Lancashire, worsted-manufacturer; first div.
- 1843, STIRTON John Andrew, of No. 15, Chandos-street, Covent-garden, Middlesex, grocer, and oil and colourman; div.
- 1844, WHITE George Edward, of Minster-street, Reading, Berkshire, tailors; div.
- 1846, WOOD George, of No. 50, New Compton-street, Soho, Middlesex, musical instrument maker; div.
- 1846, WOOD Lydia, and Charles Henry Wood, of Willow-walk, Bermondsey, Surrey, carpenters and builders; joint div.

Gazette, Friday, April 16.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

DAVIS John, of Wedmore, tailor.

TOWN AND COUNTRY FIATS.

BATTERSBY Alexander White, of Walnut-street, Liverpool, in the county of Lancaster, joiner and builder.—Official assignee, Case-nove.—Sols. Chester & Co. Staple Inn, and Tyrer, Liverpool. Fiat, April 8. Bankrupt's own petition.

BERRYMAN George, of Staines, in the county of Middlesex, licensed victualler.—Official assignee, Edwards.—Sols. Stronghill, Coleman-street, and Richings, Staines. Fiat, April 13. Bankrupt's own petition.

BUTCHER Henry, of No. 46, Lamb's Conduit-street, in the county of Middlesex, poulterer, pork butcher and cheesemonger.—Official assignee, Groom.—Sol. Oldknow, Chapel-street, Bedford-row. Fiat, April 13. Pet. Cr. Charles Goslett, of No. 32, Southmolton-street, Oxford-street, carver and gilder.

ELSTONE Charles, of Guildford, in the county of Surrey, linen-draper, *d. c.*—Official assignee, Graham.—Sol. Jones, Sise-lane, Bucklersbury. Fiat, April 5. Pet. Crs. Groom Howes, William Cook, William Cook, jun., Francis Cook, William Hockin, and Edward Featon, of St. Paul's-churchyard, warehousemen.

ELLIS John, of No. 49, Castle-street, in the city and county of Bristol, ale and porter brewer, general dealer, *d. c.*—Official assignee, Acraman.—Sols. Bishop, Lincoln's Inn-fields, and Henderson, Bristol. Fiat, April 13. Bankrupt's own petition.

FEATHERSTONE John, late of Howden, in the county of York, but now of Goole, in the West Riding of the same county, butcher, *d. c.*—Official assignee, Young.—Sols. Williamson & Co. Great James-street, England Howden, and Bond & Barwick, Leeds. Fiat, Mar. 30. Pet. Cr. W. Sykes, of Eastoft, Lincolnshire, farmer.

GERISH Francis William, of the East-road, City-road, in the county of Middlesex, iron-founder, *d. c.*—Official assignee, Turquand.—Sol. Adams, George-street, Mansion-house. Fiat, Apr. 14. Pet. Cr. Archibald Kidd, of No. 3, Old Fish-street-hill, gentleman.

HEARD David, the elder, of Barking, in the county of Essex, smack owner, carpenter and builder, *d. c.*—Official assignee, Bell.—Sol. Buchanan, Basinghall-street. Fiat, April 13. Pet. Crs. David Heard, jun., of Barking, Essex, carpenter, and Samuel Henry Leat, of Romford, Essex, auctioneer.

HODGKINS Henry, of Birmingham, in the county of Warwick, shoe-maker.—Official assignee, Christie.—Sol. Hodgson, Birmingham. Fiat, April 7. Pet. Cr. Timothy Hodgkins, of Chipping Norton, Oxfordshire, upholsterer.

JAMES Sarah; and Thomas Herbert, of Brynmaur, in the parish of Llanelly, in the county of Brecon, grocers and general shopkeepers, carrying on business under the styles and firms of Sarah James & Company, and James Herbert.—Official assignee, Miller.—Sol. Leman, Bristol. Fiat, April 14. Bankrupt's own petition.

KNIGHT Henry, of Reading, in the county of Berks, brewer, hop-merchant, *d. c.*—Official assignee, Cannan.—Sols. Holmes, Great James-street, Bedford-row, and Clarke, Reading. Fiat, April 7. Bankrupt's own petition.

SECKEL Meyer Abraham, and Hillery John Banerman, of No. 19, Duke-street, Aldgate, in the city of London, watch-manufacturers, *d. c.*, trading under the name, style and firm of Seckel & Co.—Official assignee, Green.—Sol. Sydney, Liverpool-street. Fiat, April 5. Pet. Cr. Barnett Phillips, of No. 8, Castle-street, Houndsditch.

STACE Robert A., of Sandgate, in the county of Kent, upholsterer, carrying on business in the name or style of Robert A. Stace.—Official assignee, Cannan.—Sol. Waller, jun., Finsbury-circus. Fiat, April 5. Pet. Crs. George and William Bartholomew, of the Pavement, Finsbury, hearth-rug manufacturers.

SWORD Robert, of the borough and county of Newcastle-upon-Tyne, draper.—Official assignee, Wakley.—Sols. Harle, Newcastle-upon-Tyne, and Chisholme & Co. Lincoln's Inn-fields. Fiat, April 9. Bankrupt's own petition.

SYMES John David, of Axminster, in the county of Devon, corn and coal dealer, scrivener, *d. c.*—Official assignee, Hernaman.—Sols. Stogdon, Exeter, and Keddell & Co. Lime-street. Fiat, April 5. Bankrupt's own petition.

TEMPERLEY Nicholas, of King William-street, in the city of London, coal-merchant, and of the borough and county of Newcastle-upon-Tyne, dealer.—Official assignee, Whitmore.—Sol. Henderson, Mansell-street, Goodman's-fields. Fiat, April 15. Bankrupt's own petition.

CERTIFICATES to be allowed May 7.

Bickerton James, of Castle-street, Southwark, hat-manufacturer.
Clarke Thomas, of Cheltenham, victualler.
Giles William, of Brighton, boarding-house keeper.
Matthews James Alexander Thomas, of Great Dover-street, glass-merchant, (partner with Edwin Buonaparte Smithis).
Rogers Joseph, of Bromyard, scrivener.
Smyrk Charles Frederick, of Wharf-road, builder.
Terry John, of Wych-street, victualler.
Tweed Edward Johnson, of Cambridge, victualler.

DIVIDENDS.

Date of Fiat.

- 1846, **BODDINGTON** John, of Manchester, Lancashire, corn, hop and provision dealer; final div.
1845, **BURNS** William, of Rhyl, Flintshire, draper, grocer, wine, spirits and beer retailer; final div.
1847, **CALLIET** Pierre, of Manchester, Lancashire, leather-dealer and commission-agent; div.
1846, **COOPER** William, of Bury St. Edmunds, Suffolk, hardware-man and haberdasher; final div.
1844, **DYKE** Moses James, of Romsey, Hants, innkeeper; div.
1846, **GAMMAGE** Thomas, of No. 22, King-street, Seven Dials, and James Mott, of No. 30, Broad-street, Bloomsbury, both in Middlesex, cheesemongers; joint div., and sep. div. of Mott.
1846, **GASS** Joseph, of Colchester, Essex, draper; div.
1845, **HORNBY** Benjamin, of Hoylake, Cheshire, innkeeper; div.
1846, **HOWS** Edmund Jones, of No. 3, Elizabeth-place, High-street, Deptford, Kent, china-dealer; div.
1846, **ILLINGWORTH** Martha, William Smith, and John Wright, all of Bradford, Yorkshire, worsted-spinners and worsted manufacturers, carrying on business at Bradford, under the style or firm of Illingworth & Smith; div.
1846, **LUPTON** Thomas, and William Bingley Lupton, both of Leeds, Yorkshire, flax-spinners; joint div., and sep. div. of Thomas Lupton.
1846, **MAW** William, of Birkenhead, Cheshire, builder and contractor; div.
1847, **PARNALL** William, of No. 219, Blackfriars-road, Surrey, clothier; div.
1846, **PRITCHETT** Samuel, and Joseph Peckover Oridge, of Charlbury, Oxfordshire, glove-manufacturers, drapers and grocers; final joint and sep. divs.
1847, **PROCTOR** Charles, of Witham, Essex, wine-merchant; div.
1845, **SMITH** John, of Brownlow-hill, Liverpool, Lancashire, licensed victualler; final div.
1847, **STONE** Michael John, of Abingdon, Berkshire, grocer; div.
1845, **WILLIAMSON** Charles Maxwell, of Ulverston, Lancashire, wine, spirit and beer merchant; fur. div.

Gazette, Tuesday, April 20.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

BAISLER Francis, of Oxford-street, stationer.

TOWN AND COUNTRY FIATS.

BAINBRIDGE William, late of Oakley-terrace, Old Kent-road, in the county of Surrey, but now of Corrie-place, Old Kent-road aforesaid, and of Lombard-street, Chelsea, in the county of Middlesex, grocer, *d. c.*—Official assignee, Groom.—Sols. Cox & Co. Sise-lane. Fiat, April 10. Bankrupt's own petition.

BENTLEY Arthur, of Bury, in the county of Lancaster, iron-founder, machine-maker, *d. c.*—Official assignee, Hobson.—Sols. Clarke & Co. Lincoln's Inn-fields, and Messrs. Gundry, Bury. Fiat, April 13. Bankrupt's own petition.

CHETTLE John, of Warminster and Chippenham, in the county of Wilts, linen-draper, *d. c.*—Official assignee, Bekker.—Sol. Jones, Sise-lane. Fiat, April 13. Pet. Crs. Joseph and William Morley, of Gutter-lane, warehousemen.

COWNDEN Charles, of No. 59, Fore-street, Lambeth, in the county of Surrey, boat-builder, formerly in partnership with Andrew Wentzell, at Fore-street aforesaid, as boat-builders, and of the Ship, Fore-street aforesaid, licensed victuallers.—Official assignee, Cannan.—Sol. Ashby, Shoreditch. Fiat, April 17. Bankrupt's own petition.

HERBERT Thomas, of Bridgewater, in the county of Somerset, grocer.—Official assignee, Hirtzell.—Sols. Copp, Bridgewater, Bath, Clement's Inn, and Terrell, Exeter. Fiat, April 13. Pet. Cr. Henry Chapman Russell, of Bridgewater, mariner.

M'DONNELL Michael, of Liverpool, in the county of Lancaster, ship-broker, *d. c.*—Official assignee, Bird.—Sols. Bridger & Co. London-wall, and Dodge, Liverpool. Fiat, April 14. Bankrupt's own petition.

THOMAS Herbert, of the county of the borough of Carmarthen, linen-draper, *d. c.*—Official assignee, Cannan.—Sols. Hardwick & Davidson, Weavers' Hall. Fiat, April 12. Pet. Crs. Richard Beal, Jeremiah Groatorex, and John Bradbury, of Aldermanbury, warehousemen.

TOONE Edward, of King-street, Twickenham, in the county of Middlesex, tea-dealer, grocer and oilman, *d. c.*—Official assignee, Belcher.—Sols. Donne & Taylor, New Broad-street. Fiat, April 16. Bankrupt's own petition.

WIGHTMAN Robert, of Colchester, in the county of Essex, draper, *d. c.*—Official assignee, Green.—Sol. Cattlin, Ely-place. Fiat, April 14. Pet. Cr. James Thompson, of No. 21, Watling-street, warehouseman.

CERTIFICATES to be allowed May 11.

Brown Charles Moses, of Newchurch, dealer in malt.

Mabson George Moulton, of Whitechapel, potato-dealer.

Moseley George, of Bakewell, auctioneer.

Rothschild Benjamin Louis Meyer, of Great Queen-street, diamond-merchant.

Smith Edward, of Dursley, apothecary.

Smiths Edwin Buonaparte, of Great Dover-road, glass-merchant, (partner with James Alexander Thomas Mathews).

Wenman Joseph, of Birkenhead, wine-merchant.

White Daniel, of St. Philip and Jacob, potter, (partner with Thomas Winfield).

DIVIDENDS.

Date of Fiat.

1841, **AXMANN** Paul, and John George Christ, of No. 4, Mark-lane, London, foreign and general merchants; div.

1845, **CHARLES** Henry, of Manchester, Lancashire, commission-agent and share-broker; div.

1846, **COPNER** Henry, of Ludlow, Shropshire, mercer and draper; div.

1846, **DAWSON** Benjamin, of Buerail, near Rochdale, Lancashire, woollen-manufacturer; div.

1842, **DOVER** John, of Three Cranes Wharf, London, merchant, carrying on trade under the firm or style of Hodgson Brothers & Dover; div.

1846, **FENWICK** Benjamin, of Newcastle-upon-Tyne, linen-draper; fur. div.

1846, **GAUNT** Richard, of Ingmanthorpe, in Kirk Deighton, Yorkshire, rape-dust merchant and farmer; first div.

1846, **HALL** Jesse, of Rochdale, Lancashire, share-broker, printer and stationer; div.

1846, **HEATON** John, of the Park, near Honley, in Almondbury, Yorkshire, clothier; first and final div.

1846, **KINGSCOTE** Robert Arthur Fitzhardinge, of Sandgate, Kent, lately carrying on business at Nicholas-lane, Lombard-street, London, with Alexander Beattie, Francis Macnaghten and Atkinson Wilkin, as merchants, under the style or firm of Beattie & Co.; div.

1846, **MACKEY** Alexander Augustus, and Nathaniel James White Holt, of No. 20, St. Helen's-place, Bishopsgate-street, London, merchants, carrying on trade in London, together with James Henry Mackey, of Calcutta, in the East Indies, in the firm of Mackey, Holt & Co.; joint div.

1846, **MARSLAND** Henry, of Hazel Grove, within Bosden, Cheshire, silk-throwster; div.

1846, **MILLER** William, of Manchester, Lancashire, manufacturer and commission-agent; div.

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BANKRUPTS.

TOWN AND COUNTRY FIATS.

BELL Mary Elizabeth, widow, and James Bell, of No. 16, Finch-lane, Cornhill, in the city of London, news-venders and news and advertising agents, *d. c.*, carrying on business at No. 16, Finch-

lane aforesaid, as news-venders and news and advertising agents, *d. c.*, in copartnership under the style or firm of Bell & Son.—Official assignee, Edwards.—Sol. Depree, Lawrence-lane. Fiat, April 16. Pet. Cr. James Bishop, of Lillypot-lane, Noble-street, news-agent.

BRADLEY William, the elder, of Kirkby Lonsdale, in the county of Westmorland, innkeeper, *d. c.*—Official assignee, Baker.—Sols. Gregg, Kirkby Lonsdale, Bates & Dees, Newcastle, and Gregory & Co. Bedford-row. Fiat, April 10. Pet. Cr. William Bradley, jun., of Liverpool, wine-merchant.

BRQOKS Charles, of Vine-yard, Lant-street, in the county of Surrey, carman and brick-dealer, *d. c.*—Official assignee, Fennell.—Sol. Kempster, Kennington-lane. Fiat, April 21. Pet. Cr. Charles Wall, of Brandon-row, Newington-caseway, cowkeeper.

HOOLE Henry Francis, of No. 203, High-street, Southwark, in the county of Surrey, grocer and tea-dealer.—Official assignee, Whitmore.—Sol. Roberts, Temple Chambers, Fleet-street. Fiat, Apr. 20. Bankrupt's own petition.

JONES John, of the town of Llangefni, in the island of Anglesea, in North Wales, grocer, provision-dealer and draper, *d. c.*—Official assignee, Turner.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, April 19. Bankrupt's own petition.

LEE James, of the borough of Birmingham, but now of Four Oaks, near the town of Sutton Coldfield, in the county of Warwick, cabinet-case maker, *d. c.*—Official assignee, Christie.—Sols. Suckling, Birmingham, and Chilton & Co. Chancery-lane. Fiat, Apr. 16. Pet. Cr. Robert West Cox, of Birmingham, mill-sawyer.

OAKES Thomas, of Walsall, in the county of Stafford, wine and spirit dealer, *d. c.*—Official assignee, Christie.—Sol. Markelew, Walsall. Fiat, April 20. Pet. Cr. Edwin Oaks, of Stourbridge, mercer and draper.

PEAKE Richard, of New Park, Bury, in the parish of St. Stephen's, in the county of Herts, farmer and cattle salesman.—Official assignee, Bell.—Sol. Ivimey, Chancery-lane. Fiat, April 20. Bankrupt's own petition.

PICKSTONE Ralph, late of Pinmill Brow, in Ardwick, in the parish of Manchester, in the county of Lancaster, but now of Moss-lane, in Hulme, in the parish of Manchester aforesaid, grocer and provision-dealer, *d. c.*—Official assignee, Fraser.—Sols. Wathen, Basinghall-street, and Fogg, Manchester. Fiat, April 17. Bankrupt's own petition.

SHEPHERD Joseph, and Benjamin Shepherd, of the city of Exeter, wine and spirit merchants, and copartners in trade.—Official assignee, Hirtzel.—Sols. Gale, Basinghall-street, and Sanders & Kitson, Exeter. Fiat, April 19. Pet. Crs. John Peter Gassiot, Sebastian Gonzalez Martinez, and John Peter Gassiot, jun., of Mark-lane, London, wine-merchants.

SHUKER William, of the Saracen's Head Inn, in the Blue Bear row, Salisbury, in the county of Wilts, licensed victualler.—Official assignee, Edwards.—Sol. Jones, Quality-court, Chancery-lane. Fiat, April 21. Pet. Cr. Michael Phillips, of Salisbury, toy-ware-houseman.

TATE Robert, of No. 204, Regent-street, in the county of Middlesex, silversmith and jeweller.—Official assignee, Belcher.—Sol. Fawcett, Jewin-street and Hockley. Fiat, April 21. Pet. Cr. William King, of Bridgewater-square, Barbican, jeweller.

TOWNLEY William, of No. 8, Little James-street, Bedford-row, in the parish of St. Andrew, Holborn, in the county of Middlesex, coach-maker, *d. c.*—Official assignee, Cannan.—Sol. Buchanan, Basinghall-street. Fiat, April 22. Bankrupt's own petition.

WALKER William, of Beresford-square, Woolwich, in the county of Kent, grocer and cheesemonger, *d. c.*—Official assignee, Follett.—Sol. Buchanan, Basinghall-street. Fiat, April 23. Bankrupt's own petition.

WILKS James Longmore, of the city of Worcester, tailor and draper, *d. c.*—Official assignee, Whitmore.—Sols. Jones, Worcester, and Smith, Birmingham. Fiat, April 10. Pet. Cr. John Hemming Wilks, of Worcester, ironmonger.

CERTIFICATES to be allowed May 14.

Bond John, and Edward Morgan, of Oxford-street, shawl-manufacturers.

Cox William Henry, of Belvedere-road, Lambeth, barge-builder.

Grossmith William, of Portsmouth, baker.

Hill John, of Hammersmith, victualler.
 Hoskins Joseph Thomas, of Blackheath, boarding-house keeper.
 Johnson John, of Chelmsford, grocer.
 Parry John Dixon, of Manchester, share-broker.
 Plews John, of Store-street, timber-merchant.
 Prior John, of St. Blazey, tailor.
 Thompson Nathaniel, of Liverpool, factor.

DIVIDENDS.

Date of Fiat.

- 1846, BIRCH Anthony, of Birmingham, Warwickshire, grocer; div.
 1846, BURTON Matthew, and Benjamin Shaen, late of Beswick, and Miles Platting, within Manchester, Lancashire, cotton-spinners and dealers in woollen waste, trading under the firm of Burton & Shaen; div.
 1843, CLARKE John, Richard Mitchell, Joseph Phillips, and Thomas Smith, of Leicester, bankers; final div. of Clarke & Phillips.
 1839, DAVIES Edward, of King's Mills, in Wrexham, Denbighshire, miller, corn and flour dealer, and also carrying on business at Fellin Puleston, near Wrexham, as miller, corn and flour dealer, with Charles Griffiths and George Davies, and lately carrying on business at Vauxhall Forge, Liverpool, Lancashire, as a manufacturer of and dealer in iron; div.
 1847, GOULTY John, of Stangate, Lambeth, and of Banksaid, Southwark, both in Surrey, mast and oar maker, and of the Rising Sun, Fair-street, Horselydown, Surrey, licensed victualler; div.
 1845, GRAHAM George, Thomas Adams, and Michael Bogle Macfarlane, of Cheapside, London, calico-printers; div.
 1846, HARLEY Edward Steane, of Birmingham, Warwickshire, grocer; div.
 1843, HITCHCOCK Thomas, of Alrewas, Staffordshire, worsted manufacturer; div.
 1844, HOMER Frederick Lane, of Manchester, Lancashire, merchant; div.
 1845, LIVINGSTON James, and Thomas Brittain, of Manchester, Lancashire, plumbers, glaziers and brass-founders; final joint div.
 1846, PHILPOTT Edward, of Ludlow, Salop, timber-dealer; div.
 1845, SEARLE Francis William, late of No. 9, Upper Gloucester-place, Chelsea, Middlesex, cheesemonger; div.
 1847, TERNAN Charles, and Charles Ternan the younger, both of the Polygon, Somers-town, Middlesex, builders, carrying on business under the firm of Ternan & Son; joint div., and sep. div. of Ternan, sen.
 1846, WILKINSON John, of Liverpool, Lancashire, fruiterer; div.

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BANKRUPTS.

BANKRUPTCY SUPERSEDED.

GODFREY Henry, of Milton, builder.

TOWN AND COUNTRY FIATS.

- BARNARD George, of High Wycombe, in the county of Buckingham, carrying on business as a grocer.—Official assignee, Groom.—Sols. Tucker & Co. Sun Chambers, Threadneedle-street. Fiat, April 20. Pet. Crs. Josiah Bishop and Charles Teede, of Crown-court, Philpot-lane, tea-dealers.
 BOURDON Jacques Louis, and Peter Joseph Meugens, of Finch-street, Whitechapel, in the county of Middlesex, sugar-refiners.—Official assignee, Edwards.—Sols. Phillips & Son, Lawrence Pountney-lane. Fiat, April 9. Pet. Cr. John Craven, of Great Tower-street, grocer.
 BRIDCUT Edward, of Cheltenham, in the county of Gloucester, ironmonger, d. c.—Official assignee, Acraman.—Sols. Lindo, London, and Packwood, Cheltenham. Fiat, April 22. Pet. Cr. Robert Bridcut, of Bedford, victualler.
 BURTON John, of Taunton, in the county of Somerset, coach and waggon proprietor, post-master, livery-stable keeper, d. c.—Official assignee, Hernaman.—Sols. Pain, Bridgewater, Pain, New Inn, Strand, and Stogdon, Exeter. Fiat, April 17. Pet. Cr. Richard Maynard, of Taunton, auctioneer.

BUTCHER Richard, the younger, of Epsom, in the county of Surrey, painter, glazier, and paper-hanger.—Official assignee, Turquand.—Sols. Branscomb, Wine Office-court, and Benson, Aylesbury. Fiat, April 22. Bankrupt's own petition.

JOHNSTON Alice, of Liverpool, in the county of Lancaster, widow, tailor and draper, d. c.—Official assignee, Morgan.—Sols. Chester & Co. Staple Inn, and Avison & Co. Liverpool. Fiat, April 13. Pet. Cr. George Francis, of Liverpool, tailor and draper.

KNOWELL William, of Trenchard-place, in the parish of St. Augustine's the Less, in the city and county of Bristol, carpenter, builder, d. c.—Official assignee, Hutton.—Sol. Salmon, Bristol.—Fiat, April 21. Bankrupt's own petition.

LANGMEAD John Davey, of No. 26, Judd-street, in the county of Middlesex, draper, d. c.—Official assignee, Graham.—Sol. Pater, St. Paul's-churchyard. Fiat, April 17. Pet. Crs. John Hoed, Wynn Ellis, William Everington, and Charles Cartledge, of St. Paul's-churchyard, warehousemen.

LAW Robert, of the city and county of Bristol, ironmonger, d. c.—Official assignee, Miller.—Sols. Ray & Co. Bristol. Fiat, April 21. Bankrupt's own petition.

MACKIE Francis, of Southampton-row, Russell-square, in the county of Middlesex, tailor.—Official assignee, Johnson.—Sols. Reed & Langford, Friday-street. Fiat, April 23. Bankrupt's own petition.

PETTERPHER John, builder, of No. 2, Rochester-road, Camdentown, in the county of Middlesex.—Official assignee, Johnson.—Sol. Blake, Blackfriars-road. Fiat, April 26. Bankrupt's own petition.

POWELL John, and David Powell, of Hare-street, Woolwich, in the county of Kent, linen-draper, d. c. and copartners in trade.—Official assignee, Bell.—Sol. George, Villiers-street. Fiat, April 23. Bankrupts' own petition.

VYVER Peter Francis Adrian Vander, formerly of London-street, Fenchurch-street, and then and now of Crutched-friars, both in the city of London, merchant and agent, d. c., trading by and under the name and style and firm of Peter Francis Adrian Vander Vyver, and afterwards under the name, style and firm of Peter Francis Adrian Vander Vyver & Co.—Official assignee, Edwards.—Sol. Burnell, Fenchurch-street. Fiat, April 24. Bankrupt's own petition.

WITHNALL Samuel, of Kershaw Bridge, in Birtle with Bamford, in the county of Lancaster, and William Cartwright, of Salford, in the said county of Lancaster, copartners in trade, carrying on business at Kershaw Bridge aforesaid, as dyers, dressers and bleachers, d. c.—Official assignee, Hobson.—Sols. Spinks, Great James-street, and Cobbett, Manchester. Fiat, April 17. Bankrupt's own petition.

WOOLCOMBE Joseph, and Henry Woolcombe, carrying on business under the style and firm of Woolcombe & Co., of No. 76, Cornhill, in the city of London, shipping agents, brokers and auctioneers, d. c.—Official assignee, Pennell.—Sol. Burrell, White Hart-court, Lombard-street. Fiat, April 23. Bankrupts' own petition.

CERTIFICATES to be allowed May 18.

- Bellamy William, of Clarence-place, Middleton-road, Kingsland-road, builder.
 Dawn Andrew, of Mansfield, draper.
 Freeman Thomas, of Wood-street, fringe-manufacturer.
 Gilliam John, of Frith-street, jeweller.
 Helliwell Thomas, of Halifax, stock-broker.
 Morris Richard, of Gloucester, coach-builder.
 Neep William, of Colchester, carpenter.
 Rule James, of Saffron Walden, veterinary surgeon.

DIVIDENDS.

Date of Fiat.

- 1845, BENTALL Thornton, of Copthall Chambers, London, stock and share broker and money scrivener; div.
 1847, BROOK William, of Manchester, Lancashire, and of Goldsmith-street, London, stuff-merchant; div.
 1847, CLEVERSLEY William, of Cumberland-place, Old Kent-road, Surrey, floor-cloth and table-cover manufacturer and paper-stainer; div.
 1846, COX William Henry, of College Wharf, Balsham-road, Lambeth, barge-builder; div.

Date of Fiat.

- 1841, DUNCAN Angus, and Charles Duncan, both of Tokenhouse-yard, London, merchants, trading under the firm of Duncan, Brothers; final diva.
- 1846, FISKE Thomas Hammond, of Portsmouth, Hants, ironmonger; div.
- 1846, GILLENDER John, of Sunderland, Durham, ironmonger; fur. div.
- 1846, HALL Joseph, of Carlisle, Cumberland, victualler and innkeeper; fur. div.
- 1846, HARRISON Samuel, of Poole, provision and commission merchant; final div.
- 1845, HILL John, of the Six Bells public-house, Queen-street, Hammersmith, Middlesex, licensed victualler; div.
- 1845, HODGKINSON William, of No. 4, Weston-street, Pentonville, Middlesex, slater; div.
- 1847, HUNTLEY Robert Elliott, of Newcastle, spirit-merchant; first div.
- 1819, LETTSOM Samuel Fothergill, trading under the firm of Myers & Co., of Cannon-street, London, tin-plate manufacturer; final div.
- 1846, MORPHEW William, of Sevenoaks, Kent, linen-draper and farmer; div.
- 1847, PARSONS John, of Medway-street, Horseferry-road, Westminster, and of No. 27, Horseferry-road, baker and corn-dealer; div.
- 1847, RICHARDS Owen, of Fleet-street, London, law bookseller; div.
- 1816, SANSOME Isaac, of Coventry, ribbon and trimming manufacturer; div.
- 1846, SPICER John Edward, and Cornelius Poulton, of Alton, Hants, paper-manufacturers; div.

Gazette, Friday, April 30.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- AMOS William, of Whitstable, in the county of Kent, coal-merchant, d. c.—Official assignee, Belcher.—Sols. Richardson & Talbot, Bedford-row, and Sankey, Canterbury. Fiat, April 27. Pet. Cr. Edward Baker, of Harbleden, Kent, gent.
- BLINKO William, late of Beaconsfield, in the county of Buckingham, but now of West Smithfield, in the city of London, and of No. 17, Northampton-street, Lower-road, Islington, in the county of Middlesex, cattle-dealer and cattle-salesman, d. c.—Official assignee, Whitmore.—Sol. Smith, Bernard's Inn, Holborn. Fiat, April 28. Bankrupt's own petition.
- BRAZIER Henry Sydney, of Broad-street, in the city of Oxford, tailor, d. c.—Official assignee, Groom.—Sols. Wood & Fraser, Dean-street. Fiat, April 26. Pet. Crs. John Griffiths, Samuel Long, and Paul Long, of Gresham-street, woollen-manufacturers.
- BURNETT James, of the borough of Sunderland, in the county of Durham, hosier.—Official assignee, Wakley.—Sols. Dixon, New Boswell-court, and Ranson, Sunderland. Fiat, April 23. Bankrupt's own petition.
- CLARKE John, of Portwood within Brinnington, in the parish of Stockport, in the county of Chester, machine-maker.—Official assignee, Pott.—Sols. Bower & Son, Chancery-lane, and Stringer, Stockport. Fiat, April 23. Bankrupt's own petition.
- HUMPHREY John, of North Walsham, in the county of Norfolk, grocer and leather-cutter.—Official assignee, Belcher.—Sols. Torkington, New Bridge-street, and Tillett & Co. Norwich. Fiat, April 19. Pet. Cr. Robert Blake, of Norwich, soap-manufacturer.
- RAY Richard, and Thomas Wynne, both of Longton, in the parish of Stoke-upon-Trent, in the county of Stafford, manufacturers of china and copartners, d. c.—Official assignee, Whitmore.—Sols. Young, Longton, and Smith, Birmingham. Fiat, April 19. Pet. Crs. John Hawley, John Goodwin and Sampson Bridgwood, of Stoke-upon-Trent, coal-masters.
- THOMAS David Richard, of Lammas-street, in the town and county of Carmarthen, draper.—Official assignee, Acraman.—Sols.

Reed & Langford, Friday-street, and Heaven, Bristol. Fiat, April 15. Pet. Cr. Edward Standly, of No. 67, Cheapside, London, warehouseman.

WARD John, of Runcorn, in the county of Chester, grocer, d. c.—Official assignee, Morgan.—Sols. Johnson & Co. Temple, and Grocott, Liverpool. Fiat, April 24. Bankrupt's own petition.

CERTIFICATES to be allowed May 21.

- Axford Edward, of St. John's Wood-terrace, milliner.
- Bowyer Thomas, of the Strand, bookseller, (partner with Thomas Gilbert Sherwood).
- Broom William, of Oxford-street, draper, (partner with William Hardy).
- Challen James, of Odiham, brewer.
- Crane Thomas, of Kegworth, brewer.
- Eedle Edward, of Chancery-lane, bookseller.
- Flaxman John Storer, of Ludgate-street, tailor, partner with Thomas Showell).
- Hallett Charles, and Charles Parker, of Dockhead and Minories, linen-draper.
- Hatch Frederick, of St. John's-square, iron-plate worker.
- Neale George Seagrave, of Portsea, innkeeper.

DIVIDENDS.

Date of Fiat.

- 1847, FREEMAN Thomas, of No. 96, Wood-street, Cheapside, London, fringe and trimming manufacturer; div.
- 1837, HALLETT Charles, and Charles Parker, both of Thornton-street, Dockhead, Bermondsey, Surrey, and of No. 103, Minories, London, linen-draper, under the firm of Parker & Hallett; div.
- 1845, IBBOTSON William, of Sheffield, Yorkshire, merchant; div.
- 1847, THOROGOOD John, of the Blue Boar Inn, Aldgate High-street, London, innkeeper; div.
- 1845, WOLTON James Cousens, of Halstead, Essex, ironmonger; div.

Gazette, Tuesday, May 4.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BURKINSHAW Richard, late of Huddersfield, in the county of York, but now of Sheffield, in the same county, share-broker, d. c.—Official assignee, Freeman.—Sols. Butterfield & Co. Gray's Inn, and Potter, Rotherham. Fiat, April 27. Pet. Cr. George Green, of Beighton, farmer.
- COGAN Robert, of No. 48, Leicester-square, in the county of Middlesex, glass, lead and colour merchant.—Official assignee, Follett.—Sol. Richardson, Moorgate-street. Fiat, April 30. Pet. Cr. George Ward, of No. 35, Tavistock-street, Covent-garden, gent.
- COLLYER Ann, commonly called Ann Miles, of Stoke Hammond, in the county of Buckingham, cowkeeper, d. c.—Official assignee, Cannan.—Sols. Meyrick, Furnival's Inn, and James & Smythies, Aylesbury. Fiat, May 1. Bankrupt's own petition.
- COOPER James, of Billericay, in the county of Essex, cattle-salesman, d. c.—Official assignee, Groom.—Sols. Norton & Son, New street, Bishopsgate. Fiat, May 1. Bankrupt's own petition.
- HORNE George, and Alexander McLeod Burghes, of Cheapside, in the city of London, booksellers, d. c. and copartners in trade.—Official assignee, Pennell.—Sol. Billing, King-street, Cheapside. Fiat, April 30. Pet. Cr. John Billing, of King-street, Cheapside, gent.
- MUNKS John, of Sheffield, in the county of York, licensed victualler and cabinet-case maker.—Official assignee, Freeman.—Sols. Tattershall, Great James-street, and Broadbent, Sheffield. Fiat, April 26. Bankrupt's own petition.
- PULLEINE John, the younger, of Selby, in the county of York, brewer and maltster, d. c.—Official assignee, Young.—Sols. Wigglesworth & Co. Gray's Inn, Weddall & Parker, Selby, and Bond & Barwick, Leeds. Fiat, April 10. Pet. Cr. Richard Binney, of Leeds, share-broker.
- RIPPINGALE Francis, of Thrumpton, in the parish of Ordsall, in the county of Nottingham, auctioneer, d. c.—Official assignee,

Freeman.—Sols. Johnson & Co. Temple, Bowley, Nottingham, and Binney, Sheffield. Fiat, April 28. Pet. Cr. John Whelton, of Nottingham, farmer.

ROBINSON Thomas, of Liverpool, in the county of Lancaster, blacksmith and builder, *d. c.*—Official assignee, Bird.—Sols. Mears. Cornthwaite, Old Jewry Chambers, and Pemberton, Liverpool. Fiat, April 26. Bankrupt's own petition.

ROLPH William, of Billerica, in the county of Essex, innkeeper and common brewer, *d. c.*—Official assignee, Turquand.—Sols. M'Leod & Co. London-street, Fenchurch-street. Fiat, May 1. Pet. Cr. Abraham Offin, of Hutton, Essex, farmer.

SOUTHWELL George, of Whitstable, in the county of Kent, baker and coal-merchant, *d. c.*—Official assignee, Graham.—Sols. Richardson & Co. Bedford-row. Fiat, May 1. Pet. Cr. John White, of Whitstable, Kent, butcher.

STIRLING Thomas, the elder, and William Stirling, both of Stratford, in the county of Essex, slaters.—Official assignee, Green.—Sols. Scott & Co. St. Mildred's-court, Poultry. Fiat, April 27. Bankrupts' own petition.

TRIMMER John Alfred, of Brentford, in the county of Middlesex, victualler, boarding-house keeper, *d. c.*—Official assignee, Edwards.—Sols. Lawrence & Reed, Gutter-lane, Cheapside. Fiat, April 30. Pet. Cr. Edmund Shackel, of Brentford, butcher.

CERTIFICATES to be allowed May 25.

Burbidge John, and John Burbidge, jun., of Tysoe-street, cabinet-makers.

Clemson William, of Dawley-green, victualler.

Hunter Henry, of Old-street, confectioner.

Jeynes Thomas, of Longdon, butcher.

Lewis James, of Dawley-green, butcher.

Newby John, of Leicester, haberdasher.

DIVIDENDS.

Date of Fiat.

1843, BATES John, of Three Colt-street, Limehouse, Middlesex, grocer and cheesemonger; div.

1845, BEST Charles, of No. 5, St. James's-walk, Clerkenwell, Middlesex, printer; div.

1846, BIRD James, of No. 13, Club-row, Bethnal-green, Middlesex, timber-merchant; div.

1839, CARLITCH John, of the Spread Eagle, Whitecross-street, Middlesex, victualler; div.

1846, COKER John, of Narford, Norfolk, timber-dealer and builder; div.

1831, DOVE Michael, of Maidstone, Kent, grocer and cheesemonger; div.

1811, DUCKHAM Joseph, and Robert Lankester, of Bread-street, Cheapside, London, warehousemen; div.

1847, HARVEY John William, of Ottery Saint Mary, Devonshire, grocer; div.

1846, HOWELLS Henry Charles, the younger, of Albion Chambers, in St. Werburgh, Bristol, stock and share broker; div.

1844, HUNTER Benjamin Harrison, of Liverpool, Lancashire, merchant and dealer; div.

1844, ROSS Joseph Clark, of No. 2, Savage-gardens, London, merchant; div.

Gazette, Friday, May 7.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

STACE Robert A., of Sandgate, upholsterer.

TOWN AND COUNTRY FIATS.

ANDREW William, of the Plough Livery-stables, Duval's-lane, Hornsey-road, in the county of Middlesex, livery-stable keeper.—Official assignee, Johnson.—Sol. Neal, King-street. Fiat, May 4. Pet. Crs. Martin Love and Thomas Love, of High-street, Stoke Newington, corn-dealers.

BRADBURY George Thomas, of Bank Mill, in Ashton-under-Lyne, in the county of Lancaster, cotton-spinner, *d. c.*—Official

assignee, Hobson.—Sols. Abbott, Charlotte-street, Bedford-square, and Atkinson & Co. Manchester. Fiat, April 28. Pet. Cr. John Alfred Armstrong, of Manchester, cotton-merchant.

BURBIDGE George, of No. 2, Moorgate-street, in the city of London, auctioneer, *d. c.*, in copartnership with George Morris Elliot Snow.—Official assignee, Groom.—Sols. Lawrance & Pews, Old Jewry Chambers. Fiat, May 6. Pet. Cr. Peter Simmons, of No. 34, St. Mary Axe, stationer.

BURTON William, of Bradford, in the county of York, joiner and builder, *d. c.*—Official assignee, Hope.—Sols. Nethersole, New Inn, Foster, Bradford, and Harle & Clarke, Leeds. Fiat, April 30. Bankrupt's own petition.

BUTTERWORTH James, of Rochdale, in the county of Lancaster, cotton-manufacturer, and currier and leather-cutter, *d. c.*—Official assignee, Hobson.—Sols. Cragg & Jeyes, Bedford-row, and Elm, Rochdale. Fiat, May 3. Bankrupt's own petition.

COGAN Robert, of No. 48, Leicester-square, in the county of Middlesex, glass, lead and colour merchant.—Official assignee, Follen. Sol. Richardson, Moorgate-street. Fiat, April 30. Pet. Cr. George Ward, of No. 35, Tavistock-street, Covent-garden, gent.

DUDELLE Frederick, of Union-street, Ryde, in the Isle of Wight, in the county of Hants, hair-dresser and perfumer, *d. c.*—Official assignee, Green.—Sol. Horsley, Staple Inn. Fiat, May 4. Bankrupt's own petition.

FUGLER William, of No. 10, Lawrence-lane, Cheapside, in the city of London, Manchester warehouseman.—Official assignee, Cannan.—Sol. Cox, Finner's Hall. Fiat, May 3. Bankrupt's own petition.

GROOM Samuel, of Whitechurch, in the county of Salop, auctioneer, *d. c.*—Official assignee, Whitmore.—Sol. Hodgson, Birmingham. Fiat, April 30. Bankrupt's own petition.

HAWKINS James, of the town of Nottingham, currier and leather-dealer, *d. c.*—Official assignee, Bittleston.—Sol. Bowley, Nottingham. Fiat, April 30. Bankrupt's own petition.

HOARE Francis Buchanan, of Lincoln's Inn-fields, in the county of Middlesex, printer, publisher, *d. c.*—Official assignee, Johnson.—Sol. Sewell, Gray's Inn-square. Fiat, April 28. Pet. Crs. John Hodge, Thomas Spalding, Henry Spalding, and John Hodge, jun. of Drury-lane, stationers.

JONES Ray Joseph, of Basingstoke, in the county of Southampton, tailor, *d. c.*—Official assignee, Bell.—Sol. Heather, Paternoster-row. Fiat, May 4. Pet. Crs. Joseph and James Comfort, of Wood-street, wholesale drapers.

LAXTON John, of Cheshunt, in the county of Hertford, linen-draper, *d. c.*—Official assignee, Belcher.—Sols. Heather & Co. Paternoster-row. Fiat, May 4. Pet. Cr. John Bailes, of Wood-street, warehouseman.

MELLOR Edward, of Ashton-under-Lyme, in the county of Lancaster, stone-mason, builder, *d. c.*—Official assignee, Pott.—Sols. Reed & Co. Friday-street, and Sale & Co. Manchester. Fiat, May 4. Pet. Cr. Thomas Leigh, of Ashton-under-Lyme, draper.

RILEY James, of Mount-place, Walworth, in the county of Surrey, cheesemonger, *d. c.*—Official assignee, Graham.—Sols. Stevens & Co. Queen-street, Cheapside. Fiat, May 5. Pet. Crs. James Basseley and Griffith Parry, of No. 87, Holborn-hill, cheesemongers.

RUMSEY James, of No. 3, Lansdowne Villas, Fulham-road, in the county of Middlesex, drysalter, share and general commission agent.—Official assignee, Whitmore.—Sol. Skinner, Barnard's Inn. Fiat, May 5. Bankrupt's own petition.

RYMER Richard, of Manchester, in the county of Lancaster, hotel-keeper, *d. c.*—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Messrs. Wood, Manchester. Fiat, May 5. Pet. Cr. Thomas Fatchett, of Manchester, distiller.

SANSOM John, of Fordingbridge, in the county of Hants, surgeon and apothecary, *d. c.*—Official assignee, Turquand.—Sol. Knight, Basinghall-street. Fiat, May 3. Bankrupt's own petition.

SHEA John, of Aldermanbury, in the city of London, western warehouseman, *d. c.*—Official assignee, Edwards.—Sol. Whinn, Aldermanbury. Fiat, May 6. Bankrupt's own petition.

SWIFT Edward, of the township of the foreign of Walsall, in the parish of Walsall, in the county of Stafford, saddlers'-ironmonger, *d. c.*—Official assignee, Valpy.—Sols. Thomas, Walsall, Smith, Birmingham, and Rickards & Walker, Lincoln's Inn-fields. Fiat, May 3. Pet. Cr. Michael Cozens, of Walsall, carrier.

TATE James, boot and shoe maker, of No. 6, Holles-street, Cavendish-square, in the county of Middlesex.—Official assignee, Bell.—Sol. Burder, Bloomsbury-square. Fiat, May 6. Bankrupt's own petition.

TIMPSON Henry Clare, formerly of Grosvenor House, Mount Ephraim, Tonbridge Wells, in the county of Kent, surgeon, afterwards of Albion-road, Woolwich, in the said county of Kent, chemist, druggist and surgeon, and now of No. 4, Albion-terrace, Albion-road, Woolwich aforesaid, surgeon.—Official assignee, Groom.—Sols. Hughes, Chapel-street, Bedford-row, and Pearce, Woolwich. Fiat, May 3. Bankrupt's own petition.

TYLER James, of the city of Worcester, hop-merchant, *d. c.*—Official assignee, Valpy.—Sol. Peachey, Salisbury-square. Fiat, April 19. Pet. Cr. Henry Meyer, of Wellington-street, Southwark, hop-merchant.

WATKINS John, of the public-house called the Three Goats' Heads, Wandsworth-road, in the county of Surrey, licensed victualler, *d. c.*—Official assignee, Edwards.—Sols. Shoubridge & Bramley, Bedford-row. Fiat, April 30. Pet. Crs. William Harman and Robert Pearson, of Redcross-street, distillers.

CERTIFICATES to be allowed May 28.

Bagnall John, of Birmingham, builder.

Bourquin Francis Henry, of Northampton-square, watch-manufacturer.

Callet Pierre, of Manchester, leather-dealer.

Firth Joseph, sen., of Stainland, Joseph Firth, jun., of Boothtown, James Dugdale, of Soyland, and William Stott, of Soyland, cotton-spinners.

Lovett George Woollard, of Cambridge-beath, builder (partner with William Lovett).

DIVIDENDS.

Date of Fiat.

1846, **AXFORD** Edward, late of No. 4, Maddox-street, Bond-street, Middlesex, but now of No. 85, St. John's Wood-terrace, said county, milliner and dress-maker; div.

1846, **BARKER** William, of Royton, near Oldham, Lancashire, millwright and iron-founder; div.

1845, **DE WILDE** Frederick Augustus, of Nos. 71, 72, and 73, Wells-street, Oxford-street, Middlesex, cabinet-ironmonger, brass manufacturer and window-blind maker; final div.

1842, **GILBERT** Mary, of the Blossoms Inn, Lawrence-lane, London, innkeeper and coach-proprietor; final div.

1839, **HOOD** John Lionel, of Princes-street, Leicester-square, and of Great Grimsby, Lincolnshire, rope-manufacturer; div.

1842, **MESSITER** Edward Stephens, and Frederick Messiter, of Malmesbury, Wiltshire, tailors and drapers; div.

1847, **WINDER** Joseph, late of Hampson Mills, near Bury, Lancashire, and now of Salford, said county, bleacher, dyer and finisher; div.

Gazette, Tuesday, May 11.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

DEACON Mary, of Norwich, carrier.

HUBBARD Charles John, of Crutched-friars, hop-merchant.

TOWN AND COUNTRY FIATS.

BATES Joseph, of Leeds, in the county of York, share-broker and share-jobber, *d. c.*—Official assignee, Kynaston.—Sols. Sharpe & Co. Bedford-row, and Priest, Leeds. Fiat, May 1. Bankrupt's own petition.

ELLIOTT John Dymoke, of Hemingsford-place, Barnsbury-road, Islington, in the county of Middlesex, and of No. 10, Giltspur-street, in the city of London, chemist and druggist.—Official assignee, Follett.—Sols. Jenkinson & Co. Lombard-street. Fiat, May 1. Pet. Cr. William Kidson, of No. 1, North-street, Sidney-street, Mile-end Old-town, medical shop fitter.

HEATHCOTE Robert, of No. 2, Clapham-common, in the county of Surrey, omnibus proprietor and horse-dealer.—Official assignee, Bell.—Sol. Dolman, Jermyn-street, St. James's. Fiat, May 5. Pet. Cr. Fowell Watkins Watkins, of No. 47, Doughty-street, gent.

KING Henry, of Yorkshire-street, in Oldham, in the county of Lancaster, carrying on business in Oldham aforesaid, as a furniture dealer, cabinet-maker, broker, *d. c.*—Official assignee, Fraser.—Sols. Spinks, Great James-street, and Cobbett, Manchester. Fiat, April 30. Bankrupt's own petition.

LEVERS Thomas, of Charlestown, in the county Cornwall, cooper, *d. c.*—Official assignee, Hernaman.—Sols. Guillaume, Bucklersbury, and Turner, Exeter. Fiat, April 24. Pet. Cr. William Edward Houghton Guillaume, of Botley, Southampton, merchant.

MAY Edward, of Nos. 66 and 67, Oxford-street, in the county of Middlesex, ironmonger, *d. c.*—Official assignee, Turquand.—Sol. Fisher, Verulam-buildings. Fiat, May 6. Pet. Cr. Henry Elliott Hoole, of Sheffield, merchant.

PEARL James Willson, of Milton-street, Dorset-square, in the county of Middlesex, horse-dealer, *d. c.*—Official assignee, Pennell.—Sol. Robinson, Orchard-street, Portman-square. Fiat, May 8. Pet. Cr. William Russell, of Little Stanmore, farmer.

REED Robert, of Bishop Middleham, in the county of Durham, common brewer and maltster.—Official assignee, Baker.—Sols. Thompson, Durham, Hoyle, Newcastle, and Crosby & Compton, Church-court, Old Jewry. Fiat, April 30. Pet. Cr. John Thwaites, of Durham, innkeeper.

REYNOLDS William, of No. 6, Eldon-street, Finsbury, in the county of Middlesex, bookbinder and bookseller, *d. c.*—Official assignee, Green.—Sols. Fry & Co. Cheapside. Fiat, May 8. Pet. Crs. William Marshall and William and Frederick Tegg, of Pancras-lane, wholesale booksellers.

SYRED Daniel, of Bloomfield-road, in the parish of Paddington, in the county of Middlesex, but now of Whitecross-street prison, in the said county, market-gardener.—Official assignee, Pennell.—Sols. Holmes & Co. Great James-street. Fiat, May 3. Bankrupt's own petition.

THUELL John, and William Jeffery, of Buckfastleigh, in the county of Devon, woollen-manufacturers and copartners, the said John Thuell also carrying on business as a tanner at Broadhempstone, in the county of Devon aforesaid, on his separate account.—Official assignee, Hirtzel.—Sols. Rhodes & Lane, Chancery-lane, and Stogdon, Exeter. Fiat, May 8. Bankrupts' own petition.

TROTMAN Simon Lee, of Liverpool, in the county of Lancaster, merchant.—Official assignee, Turner.—Sols. Holme & Co. New Inn, and Booker, Liverpool. Fiat, May 5. Bankrupt's own petition.

WATSON Harris, of No. 19, Wilson-street, Finsbury, in the county of Middlesex, stove-grate manufacturer, *d. c.*—Official assignee, Groom.—Sol. Brown, Finsbury-place, Finsbury-square. Fiat, May 10. Pet. Cr. John Harris, of Earl-street, Finsbury, timber-merchant.

WEBB Thomas George, of Wood-street, Cheapside, in the city of London, and of Church-street, Manchester, in the county of Lancaster, lace, ruche and artificial flower manufacturer, *d. c.*, carrying on business under the name of George Webb.—Official assignee, Cannan.—Sol. Lambert, Raymond-buildings. Fiat, May 10. Pet. Cr. Thomas Finlay, of Cambridge-terrace, Paddington, gent.

CERTIFICATES to be allowed June 1.

Aspinall John, of Manchester, cotton-manufacturer.

Bookles William, of Liverpool, iron-founder, (partner with John Alexander Lee, Edward Holt and Thomas Bell).

Cook Edwin, of Dursley, tailor.

Dobb Charles, of Rotherham, mason and innkeeper.

Goutly John, of Stangate and Bankside, mast-maker, and of Fair-street, Horselydown, victualler.

Greig Robert, and William Rawlings, of Maiden-lane, timber-merchants.

Luck George, and William Croft, of York-road, drapers.

Sever Cornelius Joseph, of Leeds, baker.

DIVIDENDS.

Date of Fiat.

1846, **BARNARD** William Richard, of Midhurst, Sussex, upholsterer; div.

1847, **CHAMPNESS** Francis, of No. 3, Bishop's-road, Paddington, Middlesex, linen-draper; div.

1847, **CLARKE** John, of No. 6, Great Castle-street, Regent-street, Middlesex, painter, glazier and house-decorator; div.

Date of Fiat.

- 1833, CLAYTON William, of No. 134, Cheapside, London, carpet warehouseman; div.
- 1845, COUSEN James, and Lucy Cousen, both of Bank House, in Bingley, Yorkshire, worsted-spinners, carrying on the business of worsted-spinners at Bradford, Yorkshire, under the style or firm of J. & L. Cousen; second joint div., and first sep. div. of James Cousen.
- 1846, PLUMLEY James, of Reading, Berkshire, stone-mason and builder; div.
- 1846, SEATON John, of Winkhouse, in Frickley-cum-Clayton, Yorkshire, farmer and horse-dealer; first div.
- 1847, TOWNSEND Joseph Thomas, of High-street, Islington, Middlesex, carpet-dealer; div.
- 1841, WOOD Henry, and Alfred Wood, of Basinghall-street, London, Blackwell Hall factors, and dealers in woollen-cloths; joint div.

Gazette, Friday, May 14.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- AITCHESON Robert Kerr, of Great Windmill-street, Haymarket, in the county of Middlesex, wine-merchant, *d. c.*—Official assignee, Green.—Sols. Lawrence & Plews, Old Jewry Chambers. Fiat, April 20. Bankrupt's own petition.
- ARTHUR Richard, late of Aylesbury, in the county of Buckingham, grocer and cheesemonger.—Official assignee, Johnson.—Sol. Dods, St. Martin's-lane. Fiat, May 10. Pet. Cr. John Stapp, of Snow-hill, cheesemonger.
- BALLANTYNE Robert, of Liverpool, in the county of Lancaster, merchant, *d. c.*—Official assignee, Cazenove.—Sols. Gregory & Co. Bedford-row, and Radcliffe, Liverpool. Fiat, May 11. Bankrupt's own petition.
- BARATT John Charles, of No. 368, Strand, in the county of Middlesex, picture-dealer, picture-frame maker, carver, gilder, *d. c.*—Official assignee, Whitmore.—Sol. Flight, Adam-street, Adelphi. Fiat, May 5. Pet. Cr. Thomas Flight, of Walditch, Bridport, attorney.
- CHAMBERS John, now or late of Masborough, in the county of York, victualler, *d. c.*—Official assignee, Freeman.—Sols. Cox & Co. Sise-lane, and Rawson & Best, Leeds. Fiat, May 1. Pet. Cr. George Burleigh, Richard Boyden Burleigh, and William Snelgar, of Devonshire-square, wine and spirit merchants.
- COLSTON Peter, of No. 21, Ashley-crescent, City-road, in the county of Middlesex, silk-merchant.—Official assignee, Johnson.—Sol. Cross, Surrey-street, Strand. Fiat, May 12. Bankrupt's own petition.
- EDGE William, and Samuel Edge, both of Fenton, in the county of Stafford, earthenware-manufacturers, *d. c.* and copartners.—Official assignee, Christie.—Sols. Ward, Burslem, and Smith, Birmingham. Fiat, April 26. Pet. Cr. Joseph Twigg, of Burslem, colour-manufacturer.
- GREEN Christopher, of St. Mary Overies Dock, in the parish of St. Saviour, Southwark, in the county of Surrey, wharfinger.—Official assignee, Follett.—Sols. Baylis & Co. Basinghall-street. Fiat, May 11. Bankrupt's own petition.
- HEATHCOTE George, and Robert Heathcote, of Clapham, in the county of Surrey, coach and job masters, omnibus proprietors and livery-stable keepers, *d. c.* and copartners in trade.—Official assignee, Bell.—Sol. Wellborne, Tooley-street. Fiat, May 7. Pet. Cr. Joseph Lines, of Newington-causeway, coach-builder.
- LAYBOURNE John, of Manchester, in the county of Lancaster, printer and stationer.—Official assignee, Hobson.—Sols. Smith & Co. Bedford-row, and Messrs. Andrew, Manchester. Fiat, May 10. Bankrupt's own petition.
- LEES Robert, of Bottoms, near Mossley, in the county of Lancaster, cotton-spinner, *d. c.*—Official assignee, Fraser.—Sols. Rickards & Walker, Lincoln's Inn-fields, and Buckley, Ashton-under-Lyne. Fiat, May 7. Pet. Cr. George Lawton, of Ashton-under-Lyne, cotton-dealer.

LETT Thomas, of Apsley Guise, in the county of Bedford, builder.—Official assignee, Pennell.—Sol. Medina, Crosby Hall Chambers, Bishopsgate-street. Fiat, May 12. Bankrupt's own petition.

MORANT Henry, of Connaught-terrace, Edgeware-road, in the county of Middlesex, fishmonger, and late of the same place, upholsterer and decorator.—Official assignee, Whitmore.—Sol. Dods, St. Martin's-lane. Fiat, May 10. Bankrupt's own petition.

ROBERTS Charles L., of Manchester, in the county of Lancaster, and of New York, in the United States of North America, merchant, *d. c.*, trading at Manchester and New York aforesaid, in copartnership with Henry Prince Freeman, under the firm of Roberts & Freeman, as a trader indebted jointly with the said Henry Prince Freeman.—Official assignee, Hobson.—Sols. Reed & Langford, Friday-street, and Sale & Co. Manchester. Fiat, May 7. Pet. Crs. James Sidebottom, of Manchester, calico-printer, and his copartners, James Kershaw and Joseph Leese, jun.

SCOTT John, of Llanidloes, in the county of Montgomery, victualler and innkeeper.—Official assignee, Cazenove.—Sols. Bigg & Co. Southampton-buildings, Hayward, Llanidloes, and Mallaby & Townsend, Liverpool. Fiat, May 3. Pet. Cr. Elizabeth Evans, of Llanidloes, widow.

SELBY Robert, of Burleigh-street, Strand, in the county of Middlesex, wine and spirit merchant, *d. c.*—Official assignee, Graham.—Sols. Smith & Son, Southampton-street, Bloomsbury. Fiat, May 12. Bankrupt's own petition.

STALEY George, of Chester-street, Halme, in the parish of Manchester, in the county of Lancaster, provision shopkeeper, grocer and tea-dealer.—Official assignee, Pott.—Sols. Mourilian & Rowse, Verulam-buildings, and Aspinall, Manchester. Fiat, May 7. Bankrupt's own petition.

WATERS Samuel, of Castle-street, Luton, in the county of Bedford, baker.—Official assignee, Follett.—Sols. Weall & Co. Temple Chambers. Fiat, May 12. Pet. Cr. William Brown, of Luton, gent.

WOODWARD Mark, of Basford, in the county of Nottingham, victualler, *d. c.*—Official assignee, Freeman.—Sols. Johnson & Co. Temple, and Bowley, Nottingham. Fiat, May 8. Bankrupt's own petition.

WRIGHT Thomas, of Birkenhead, in the county of Chester, ironmonger, *d. c.*—Official assignee, Cazenove.—Sols. Gregory & Co. Bedford-row, and Fordsham, Liverpool. Fiat, April 17. Bankrupt's own petition.

CERTIFICATES to be allowed June 4.

- Fairhurst Thomas Brown, of Liverpool, painter.
- Hare Patrick, of Liverpool, tallow-chandler.
- Hart Thomas Rice, of Lea-bridge, victualler.
- Hawkey Thomas, of Monkwearmouthshire, ship-builder, (partner with Cuthbert Taylor).
- Leonard Henry, of Cheltenham, ironmonger.
- Park George, of Bury-street, tailor.
- Pierce John, of Liverpool, builder.
- Potts Richard Smith, of the Old Change, carrier, (partner with William Tunley).
- Read William Robert, of Winchester-street, King's-cross, builder.
- Sharp Samuel, of Commercial-road, Lambeth, stone-mason, (partner with George Sharp).
- Shipton Aaron, and Joseph Wise Jenkins, of Painswick, clothiers.
- Stone Michael John, of Abingdon, grocer.
- Yallop James Pell, of Durham-street, Hackney-road, and of Hackney, builder.

DIVIDENDS.

Date of Fiat.

- 1846, BAXTER Edward White, of Coventry, ironmonger; div.
- 1846, BEDFORD John Henry, of College-green, Bristol, artist-colourman; div.
- 1847, BROWN Samuel, of Trowbridge, Wiltshire, woollen-cloth manufacturer; div.
- 1846, EDMOND William, of Liverpool, Lancashire, but at present residing at Bombay, in the East Indies, and Thomas Edmond, of Liverpool, merchants, carrying on business as merchants at Liverpool, and also at Bombay, with Robert McKim, of Bombay, under the firm of William & Thomas Edmond & Co. at Bombay, and William Edmond & Co. at Liverpool; joint div. and sep. div. of William Edmond.

Date of Fiat.

- 1841, FOTHERGILL Francis, and James M'Innes, of Bell's-close, near Scotswood, Northumberland, lamp-black, coal-tar and ammonia manufacturers; second sep. div. of Fothergill.
- 1847, HALSTEAD John, of Radcliffe, near Manchester, Lancashire, cotton-manufacturer; div.
- 1846, SHOWELL Thomas, of No. 40, Ludgate-street, London, tailor; div.
- 1828, SWALWELL Mary, of Kensington Gravel Pits, Kensington, Middlesex, schoolmistress, bookseller and stationer; final div.
- 1847, WENMAN Joseph, of Birkenhead, Cheshire, wine-merchant; div.

Gazette, Tuesday, May 18.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

- CHETTLE John, of Warminster and Chippenham, linen-draper.
- WOOLCOTT George, jun., and Edward Woolcott, of Doughty-street, builders.

TOWN AND COUNTRY FIATS.

- BLASHFIELD John Marriott, of Albion Wharf, Blackfriars, in the county of Surrey, cement-manufacturer, builder, *d. c.*—Official assignee, Cannan.—Sols. Ashurst & Son, Cheapside, and Vandercorn & Co. Bush-lane. Fiat, May 14. Bankrupt's own petition.
- BERKLEY John, of the borough and county of Newcastle-upon-Tyne, merchant.—Official assignee, Wakley.—Sols. Harle, Newcastle, and Chisholme & Co. Lincoln's Inn-fields. Fiat, May 7. Bankrupt's own petition.
- BERNER Frederick, of West Kirby and Birkenhead, in the county of Chester, tea-dealer and Italian warehouseman, trading under the firm of Berners & Co. at Birkenhead aforesaid.—Official assignee, Turner.—Sols. Sharpe & Co. Bedford-row, and Lowndes & Co. Liverpool. Fiat, May 14. Bankrupt's own petition.
- DICKINSON John, of Manchester, in the county of Lancaster, bookbinder and stationer, *d. c.*—Official assignee, Fraser.—Sols. Cornthwaite & Adams, Old Jewry Chambers, and Pemberton, Liverpool. Fiat, May 14. Bankrupt's own petition.
- PITCH Thomas, of No. 14, Duke-street, Tooley-street, Borough, in the county of Surrey, hop-merchant.—Official assignee, Edwards.—Sol. Oldershaw, Tokenhouse-yard. Fiat, May 14. Bankrupt's own petition.
- GRAHAM Robert, of Brunswick House, Clapham-common, in the county of Surrey, lodging-house keeper.—Official assignee, Green.—Sol. Turnley, Ludgate-street. Fiat, May 14. Bankrupt's own petition.
- HARRIS William, of Aberystwith, in the county of Cardigan, mineral agent, but lately a grocer, *d. c.*—Official assignee, Hutton.—Sols. Maples & Co. Frederick's-place, and Hassell, Bristol. Fiat, May 14. Bankrupt's own petition.
- HITCHINS John, of Chichester-place, Gray's Inn-road, and Upper Whitecross-street, respectively, in the county of Middlesex, leather-seller, *d. c.*—Official assignee, Belcher.—Sols. Sole & Turner, Aldermanbury. Fiat, May 12. Pet. Cr. Cuthbert Calling, of Bartholomew-close, currier.
- MATHER Joseph, of Rock Ferry, in the county of Chester, builder, *d. c.*—Official assignee, Bird.—Sols. Parker & Co. Gray's Inn, and Reade & Co. Birkenhead. Fiat, May 10. Bankrupt's own petition.
- PHILLIPPO James, of Cross-street, Finsbury, in the county of Middlesex, dealer in horses.—Official assignee, Bell.—Sol. Taylor, Pavement, Finsbury. Fiat, May 14. Pet. Cr. Charles Marshall, of Church-lane, Whitechapel, veterinary surgeon.
- PICKETT Joseph, of No. 29, Everett-street, Brunswick-square, in the county of Middlesex, cowkeeper and milkman, *d. c.*—Official assignee, Follett.—Sol. Carpenter, Staple Inn. Fiat, May 14. Bankrupt's own petition.
- PURTON George, of Longfleet, within the borough and county of the town of Poole, innkeeper.—Official assignee, Turquand.—Sols. Fox, Finsbury-circus, and Welch, Poole. Fiat, May 8. Pet. Cr. Thomas Watts Shepherd, of Parkstone, Poole, gent.

QUARTERMAN Abel, of High-street, in the city of Oxford, breeches-maker, Glover, *d. c.*—Official assignee, Edwards.—Sols. Wood & Fraser, Dean-street, Soho. Fiat, May 11. Pet. Cr. William Sydney Wheeler, of Ludgate-street, warehouseman.

ROBINSON John, the younger, late of No. 80, Fenchurch-street, in the city of London, manufacturing chemist and agricultural agent, trader, *d. c.*, and lately carrying on business in copartnership with Conway James Allen and Christian William Nicolay.—Official assignee, Edwards.—Sol. Taylor, North-buildings, Finsbury-circus. Fiat, May 12. Pet. Cr. Thomas Troth, sen., of Primrose-street, Bishopsgate, builder.

SIMPSON John, formerly carrying on trade with William Tunley and Richard Smith Potts, in copartnership in the Old Change, in the city of London, as common carriers, and now lodging at Cropwell Bishop, near Nottingham, in the county of Nottingham, out of business.—Official assignee, Cannan.—Sol. Farrar, Doctors' Commons. Fiat, Aug. 15. Bankrupt's own petition.

STANTON William, of Lenton, in the county of Nottingham, lace-maker, *d. c.*—Official assignee, Freeman.—Sols. Johnson & Co. Temple, and Bowley, Nottingham. Fiat, May 12. Bankrupt's own petition.

TABOR Charles, and William Clarke, of the town and county of the town of Nottingham, lace-manufacturers, trading under the style or firm of Tabor & Clarke.—Official assignee, Bittleston.—Sol. Wadsworth, Nottingham. Fiat, May 11. Pet. Cr. John Watson, of Nottingham, and Francis Butcher Gill, his copartner, silk-throwers.

VYSE Charles, of No. 30, Ludgate-street, in the city of London, straw-bonnet maker and draper, *d. c.*—Official assignee, Groom.—Sols. Milne & Co. Temple. Fiat, May 12. Pet. Crs. Charles Evans, Edward Eyles, John Chicketts Hands, and Robert Wells, of Ludgate-street, warehousemen.

WADE Richard, of No. 89, Cheapside, in the city of London, tailor and draper, *d. c.*—Official assignee, Belcher.—Sols. Lindsay & Mason, Gresham-street. Fiat, May 14. Pet. Crs. William Henry Davis, William Barber, and Thomas House, of St. Paul's-church-yard, woollen-drappers.

WALLIS Thomas, of Oxford-street, in the county of Middlesex, woollen-draper.—Official assignee, Whitmore.—Sols. Sule & Turner, Aldermanbury. Fiat, May 11. Pet. Cr. John Vevera, of Cheapside, warehouseman.

WEBSTER George, of Staincross, in the parish of Roystone, in the county of York, nail and bolt maker, *d. c.*—Official assignee, Young.—Sols. Smith & Co. Bedford-row, Tyas & Co. Barnsley, and Blackburn, Leeds. Fiat, May 8. Pet. Crs. James, Mary, Jane, and Charlotte Fox, of Roystone, millers.

WILD William, and Robert Wild, both of Gigg, in Heap, in the county of Lancaster, bleachers, cotton-spinners, wood liquor makers, copartners, *d. c.*—Official assignee, Hobson.—Sols. Clarke & Co. Lincoln's Inn-fields, and Whitehead, Bury. Fiat, May 14. Bankrupts' own petition.

WOOD Edwin, of No. 69, King William-street, in the city of London, tobacconist.—Official assignee, Bell.—Sol. Thorndike, Staple Inn. Fiat, May 17. Bankrupt's own petition.

CERTIFICATES to be allowed June 8.

- Baylis Thomas Clarke, of Gloucester-place, Old Kent-road, and of Crown-row, Walworth-road, grocer.
- Broad Nicholas, of Bristol, tea-dealer.
- Gibson William, of Birmingham, share-broker.
- Graham Joseph, of Jewry-street, wholesale stationer.
- Harris Henry, of Camberwell, and Cole-street, Dover-road, hide and skin salesman.
- Kitching William Thomas, of Lloyd's Coffee-house, ship-owner.
- Nosworthy John, of Manchester, stock-broker.
- Seager Thomas, of Hammersmith, leather-cutter.
- Stevens Edmund, of Brighton, victualler.
- Thomas John, of Aberdare, builder.

DIVIDENDS.

Date of Fiat.

- 1847, ALLISON Joseph, of Penrith, Cumberland, bookseller and stationer; first div.
- 1847, BAYLIS Thomas Clarke, of No. 8, Gloucester-place, Old Kent-road, Surrey, and of No. 14, Crown-row, Walworth-road, Surrey, grocer and tea-dealer; div.

Date of Fiat.

- 1847, **BEAL** James, of Manchester, Lancashire, wholesale confectioner and tea-dealer; div.
- 1847, **BIDDLE** Paul, of Judd-street, New-road, St. Pancras, Middlesex, tallow-chandler; div.
- 1846, **DURDEN** Ebenezer Henry, of Pitchcomb Mill, in Standish, Gloucestershire, manufacturing chemist and naphtha distiller; div.
- 1846, **GILL** James, of Liverpool, Lancashire, wine and spirit merchant and licensed victualler; div.
- 1846, **HILL** Samuel, of Bolton-le-Moors, Lancashire, boiler-maker, as a trader indebted jointly and together with one Henry Owen, now or late of Bolton-le-Moors; div.
- 1846, **HUNTER** William, of Gray's Inn-road, Middlesex, coach-manufacturer; div.
- 1846, **LUCK** George, and William Croft, of York-road, Lambeth, Surrey, drapers; joint div.
- 1847, **POTTS** Thomas, of Newcastle-upon-Tyne, draper; first div.
- 1847, **SHARP** George, and Samuel Sharp, both of No. 30, Commercial-road, Lambeth, Surrey, stone-masons and merchants; joint div., and sep. div. of George Sharp.
- 1846, **STRAWSON** Paul, and Thomas Beeston Young, both of Louth, Lincolnshire, chemists, druggists and brokers, carrying on business under the firm of Strawson & Young; first sep. div.
- 1847, **STREVEVS** Edmund, of Trafalgar-street, Brighton, Sussex, victualler; div.

Gazette, Friday, May 21.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

- ARMITAGE** John, of Huddersfield, woollen-cloth merchant.
- JONES** George, of Bilston, victualler.

TOWN AND COUNTRY FIATS.

- BURRELL** Thomas, of Billericay, in the county of Essex, licensed victualler, *d. c.*—Official assignee, Whitmore.—Sols. Patten, Ely-place, and Woodard, Billericay. Fiat, May 15. Bankrupt's own petition.
- COOKE** Thomas Taplin, of Manchester, in the county of Lancaster, bill-vender, *d. c.*—Official assignee, Pott.—Sols. Gregory & Co. Bedford-row, and Morris, Manchester. Fiat, May 18. Bankrupt's own petition.
- CRAFT** William, of Spring-street, Paddington, in the county of Middlesex, fishmonger, *d. c.*—Official assignee, Follett.—Sols. Messrs. Bicknell, Connaught-terrace, Edgeware-road. Fiat, May 18. Pet. Cr. Christopher Bicknell, of No. 4, Grove End-road, St. John's Wood, clerk.
- GROVES** John Thomas, of the parish of Millbrook, in the county of Southampton, seed-crusher, *d. c.*—Official assignee, Green.—Sols. Tilson & Co. Coleman-street. Fiat, May 17. Bankrupt's own petition.
- HARLAND** John, of Marrick, in the county of York, banker, *d. c.*—Official assignee, Hope.—Sols. Fidley, Temple, Simpson, Richmond, and Barr & Co. Leeds. Fiat, May 14. Bankrupt's own petition.
- HIBBINS** Robert, of Ketton, in the county of Rutland, stone-mason.—Official assignee, Edwards.—Sol. Ewbank, Gray's Inn. Fiat, May 18. Bankrupt's own petition.
- HILL** John, and George Hill, of Little Silver, in the parish of St. David, in the county of the city of Exeter, builders and undertakers, copartners.—Official assignee, Hernaman. Sols. Fryer, Exeter, and Makinson & Sanders, Temple. Fiat, May 14. Bankrupts' own petition.
- KEELER** Edward, of the parish of St. Alphage, in the city of Canterbury, dealer in glass and earthenware.—Official assignee, Edwards.—Sols. Messrs. Smith, Southampton-buildings, and Walker, Canterbury. Fiat, May 15. Bankrupt's own petition.
- MACKEY** James Henry, late of Calcutta, in the East Indies, but now of No. 20, St. Helen's-place, Bishopsgate-street, in the city of London, merchant, lately carrying on business in London, in partnership with Alexander Augustus Mackey and Nathaniel James White Holt, under the firm of Mackey, Holt & Co., and also carrying on business at Calcutta aforesaid, in partnership with Donald Campbell Mackey, under the firm of J. Mackey & Co., against which said Alexander Augustus Mackey and Nathaniel James White Holt, a fiat in bankruptcy hath been awarded and is now in prosecution.—Official assignee, Graham.—Sols. Messrs. Freshfield, New Bank-buildings.
- MOODY** Shute Barrington, late of No. 34, Fenchurch-street, in the city of London, and George-town, Demerara, in British Guiana, civil and colonial engineer, *d. c.*, but now a prisoner in the Queen's prison.—Official assignee, Belcher.—Sols. Pontifex & Moginie, St. Andrew's-court. Fiat, May 12. Pet. Crs. William and Edmund Pontifex, of Shoe-lane, copper-smiths.
- NORVALL** Anthony, of Liverpool, in the county of Lancaster, painter and glazier, *d. c.*—Official assignee, Bird.—Sols. Carthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, May 17. Bankrupt's own petition.
- PADDON** Charles, of No. 48, Milner-place, Lower Marsh, Lambeth, and of No. 57, Charlotte-terrace, New-cut, both in the county of Surrey, clothes-salesman, *d. c.*—Official assignee, Groom.—Sols. Jenkinson & Co. Lombard-street. Fiat, May 19. Bankrupt's own petition.
- PALMER** Edward, of No. 232, Great Surrey-street, Blackfriars-road, in the county of Surrey, agricultural agent, *d. c.*—Official assignee, Cannan.—Sol. Church, Bedford-row. Fiat, May 18. Bankrupt's own petition.
- ROELANTS** Louise, of No. 33, Argyll-street, Regent-street, in the county of Middlesex, milliner and dress-maker, *d. c.*—Official assignee, Bell.—Sols. Mardon & Pritchard, Christchurch Chambers. Fiat, May 18. Bankrupt's own petition.
- SLATER** Samuel Beardsley, of the town and county of the town of Nottingham, wine and spirit-merchant.—Official assignee, Bittleson.—Sols. Lightfoot & Earnshaw, Hull. Fiat, May 10. Pet. Crs. Henry Parker, of Hull, and Carlisle Spedding Parker, his partner, wine-merchants.
- SUGDEN** John, of Bradford, in the county of York, butcher, cattle-dealer and share-broker, *d. c.*—Official assignee, Hope.—Sols. Nethersole, New Inn, Foster, Bradford, and Harle & Clarke, Leeds. Fiat, May 14. Bankrupt's own petition.
- THOMAS** James, of the town of Swansea, in the county of Glamorgan, grocer, *d. a.*—Official assignee, Acraman.—Sols. Bew, Swansea, and Short, Bristol. Fiat, May 15. Bankrupt's own petition.
- WEBB** Henry, of Stafford, in the county of Stafford, porter-dealer, *d. c.*—Official assignee, Christie.—Sols. Spilsbury, Stafford. Fiat, May 17. Bankrupt's own petition.
- WHITTENBURY** James Caleb, of Blackheath-hill, Greenwich, in the county of Kent, builder, *d. c.*—Official assignee, Belcher.—Sols. Miller & Home, King William-street. Fiat, May 20. Pet. Cr. John Carter, jun., of Greenwich, timber-merchant.
- WOOD** David, of No. 15, Whitechapel-road, and of No. 206, Tottenham-court-road, both in the county of Middlesex, also of No. 36, Devonshire-causeway, in the county of Surrey, but now of No. 40, Devonshire-street, Mile-end, in the said county of Middlesex, Birmingham warehouseman and toyman, *d. c.*—Official assignee, Johnson.—Sol. Tanner, New Basinghall-street. Fiat, May 17. Bankrupt's own petition.

CERTIFICATES to be allowed June 11.

- Biddle Paul, of Judd-street, tallow-chandler.
- Burton Matthew, of Manchester, cotton-spinner, (partner with Benjamin Shoen).
- Huntley Robert Elliott, of Newcastle, wine-merchant.
- Jardine Charles, of Basinghall-street, woollen-warehouseman.
- Parsons John, of Midway-street and Horseferry-road, baker.
- Robinson John, of Leeds, share-broker.
- Rouse John, of Exeter, plumber.
- Smith Joseph Hill, of Merthyr Tydvil, grocer.
- Turley Thomas, of Leeds, share-broker.
- Wallis John, of Tooley-street, linen-draper.
- Warburton William, of Newcastle, grocer.

DIVIDENDS.

Date of Fiat.

- 1846, AUSTEN Josiah, of Devonport, Devonshire, draper; div.
- 1847, BOWLES Thomas, of Horsmonden, Kent, victualler; div.
- 1845, BOWLES George, and Joseph Pain Pocklington, of No. 20, Newgate-street, London, and of Grafton Cottage, Hornsey-road, Middlesex, carrying on business at No. 20, Newgate-street aforesaid, as meat and butter salesmen; div. of Bowles.
- 1846, CHAPMAN Matthew, of Devonport, Devonshire, painter, glazier and paper-hanger; div.
- 1843, CLARKE John, Richard Mitchell, Joseph Phillips, and Thomas Smith, of Leicester, bankers; sep. divs. of Clarke and Smith.
- 1846, DODGSON John, and George Bradbury, of Bishopsgate-street Without, and Moor-lane, Fore-street, London, ironmongers and mustard manufacturers; fur. joint div.
- 1826, DONALDSON Humphrey, of Buckingham-street, Strand, Middlesex, army-agent and money-scrivener; div.
- 1822, FRANCEYS Samuel, and Thomas Plumley Franceys, of Liverpool, Lancashire, marble-mason; final joint div., and sep. div. of Samuel Franceys.
- 1846, JONES Frederick, of Nos. 11 and 12, Guildhall-street, Canterbury, Kent, wine and spirit merchant; div.
- 1846, KNOX James, of Black Horse-yard, Bond-street, Middlesex, carpenter; div.
- 1846, MARSHALL John, of Bescott Hall and Wednesbury, Staffordshire, ironmaster, and of Liverpool, Lancashire, iron-merchant, lately carrying on business at Liverpool, with William Marshall, the elder, now deceased, under the firm of William Marshall & Son; div.
- 1846, PERKINS John, of No. 7, North-place, Gray's Inn-road, jeweller; div.
- 1846, PRENTICE George, of Tollesbury, Essex, fishmonger; div.
- 1845, REES Thomas, of Liverpool, Lancashire, porter and ale brewer; final div.
- 1844, SANDYS Hannibal, William Sandys, and Hannibal Sandys, jun., of Crane-court, Fleet-street, London, scriveners, lately carrying on business together under the firm of Sandys & Sons; div. of Sandys, sen.
- 1844, STOREY James, and John Gibb, both of Liverpool, Lancashire, ship-chandlers, lately carrying on business together under the style or firm of Storey & Co.; joint div.
- 1846, SYDER Francis, of Fakenham, Norfolk, also of Wells, near Fakenham, and of Hitchin, Herts, grocer, draper and clothier; div.
- 1826, TICKLE William, and William Roberts, of Burnley, Lancashire, cotton-spinners and manufacturers, cattle-dealers and farmers, trading under the name, style or firm of Tickle & Nephew; final div.

Gazette, Tuesday, May 25.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

GRAY Richard, and Thomas Wynne, of Stoke-upon-Trent, china manufacturers.

TOWN AND COUNTRY FIATS.

DLINGTON Bryning, and Edward Jones, both of Liverpool, Lancashire, tailors and drapers, *d. c.*—Official assignee, Turner.—Sols. Chester & Co. Staple Inn, and Kaye, Liverpool. Fiat, May 19. Bankrupt's own petition.

NDREWS James, of Kite Hill, in the parish of Binstead, in the Isle of Wight, in the county of Haunts, miller, coal merchant, *d. c.*—Official assignee, Pennell.—Sols. Braikenridge, Bartlett's-buildings, and Cole & Russell, Isle of Wight. Fiat, May 20. Bankrupt's own petition.

SIMORE William, late of Barford-street, Birmingham, in the county of Warwick, carrier.—Official assignee, Valpy.—Sol. Whittington, Dean-street, Finsbury-square. Fiat, May 14. Bankrupt's own petition.

6. BANKR.—1847.

AVANT Thomas, of Dawlish, in the county of Devon, upholsterer and cabinet-maker, *d. c.*—Official assignee, Hirtzell.—Sols. Terrell, Exeter, and Terrell, Gray's Inn-square. Fiat, May 20. Bankrupt's own petition.

BAIRD Hansel, lately carrying on business as a grocer, baker and provision dealer, *d. c.*, in Westgate-street, in the city of Gloucester.—Official assignee, Miller.—Sols. Hulls, Gloucester, and Peters & Abbot, Bristol. Fiat, May 19. Bankrupt's own petition.

BURNE Edward, of No. 32, Comus-street, in Liverpool, in the county of Lancaster, slater and plasterer.—Official assignee, Caze-nove.—Sols. Sweeting & Co. Southampton-buildings, and Whit-ley, Liverpool. Fiat, May 17. Bankrupt's own petition.

BUTLER James, of Saffron Walden, in the county of Essex, upholsterer.—Official assignee, Graham.—Sol. Barber, Furnival's Inn. Fiat, May 14. Pet. Crs. Henry Ridley, Ellington Samuel Ridley, and Samuel William Ridley, of Newgate-street, warehousemen.

CARTER Thomas, of King-street, Reading, in the county of Berks, jeweller, *d. c.*—Official assignee, Groom.—Sol. Spyer, Broad-street-buildings. Fiat, May 15. Pet. Cr. Joseph Whitehorn, of No. 20, Featherstone-buildings, Holborn, jeweller.

DARBY John, of Dorset-mews, Dorset-square, in the county of Middlesex, horse-dealer, *d. c.*—Official assignee, Pennell.—Sol. Oliver, Old Jewry. Fiat, May 18. Pet. Cr. Thomas Blagden, of Goswell-road, corn-dealer.

DREW Robert, late of the Gun Tavern, No. 117, High-street, Shore-ditch, in the county of Middlesex, licensed victualler, and now of No. 14, Mary-street, Kingsland-road, in the said county of Middlesex, wine-merchant, *d. c.*—Official assignee, Turquand.—Sol. Taylor, Pavement. Fiat, May 24. Bankrupt's own petition.

FORSTER John, and William Davey, of Hunslet, in the parish of Leeds, in the county of York, flax-spinners and copartners, *d. c.*—Official assignee, Young.—Sols. Fidley, Temple, and Barr & Co. Leeds. Fiat, May 15. Pet. Crs. Emanuel Briggs and Alfred Smith, of Leeds, flax-spinners.

HALL Charles, of Uxbridge, in the county of Middlesex, grocer and cheesemonger.—Official assignee, Cannan.—Sol. Roberts, Temple Chambers. Fiat, May 21. Bankrupt's own petition.

HANDS William, of Whitmore-road, Hoxton, in the county of Middlesex, baker, *d. c.*—Official assignee, Graham.—Sol. Buchanan, Basinghall-street. Fiat, May 20. Pet. Cr. William Samuel Jeremiah Batty, of No. 34, Whitmore-row, Hoxton, gent.

HINCHCLIFFE John, of Wakefield, in the county of York, carrier and maltster, *d. c.*—Official assignee, Hope.—Sols. Bower, Token-house-yard, and Sykes, Wakefield. Fiat, May 17. Bankrupt's own petition.

HOGG James, and Thomas Woodhouse, both of Preston, Lancashire, cotton-manufacturers and copartners in trade.—Official assignee, Fraser.—Sols. Fidley, Inner Temple, Todd, Preston, and Messrs. Andrew, Manchester. Fiat, May 19. Bankrupt's own petition.

JUDD William, of Kensall New Town, in the county of Middlesex, builder, *d. c.*—Official assignee, Belcher.—Sol. Huson, Ironmonger-lane. Fiat, May 20. Pet. Cr. John Wood, of Paddington, cement merchant.

KNIGHT Charles Cleaver, of Landport, in the county of Southampton, draper, *d. c.*—Official assignee, Follett.—Sols. Sole & Turner, Aldermanbury. Fiat, May 22. Pet. Crs. William Hitchcock, Richard Lewellin, and Christopher Truman, of Wood-street, warehousemen.

PEARCE William, late of Tonbridge, in the county of Kent, grocer, but now of Southborough, in the county of Kent, *d. c.*—Official assignee, Groom.—Sols. Palmer & Co. Bedford-row, and Knowles & Co. Maidstone. Fiat, May 20. Pet. Cr. Joseph Hackett Hodsoll, of Maidstone, cheesemonger.

SAMSON Charles, of Chorlton-upon-Medlock, in the county of Lancaster, brewer, *d. c.*—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, and Law, Manchester. Fiat, May 19. Bankrupt's own petition.

SERGEANT Richard, of Maidstone, in the county of Kent, oilman and British wine dealer, *d. c.*—Official assignee, Johnson.—Sol. Berkeley, Lincoln's Inn-fields. Fiat, May 22. Pet. Crs. George Bishop and Burnett Pell, of Ropemaker-street, distillers.

SLATER Samuel Beardsley, of the town and county of the town of Nottingham, wine and spirit merchant.—Official assignee, Bittles-ton.—Sols. Lightfoot & Earnshaw, Hull. Fiat, May 10. Pet. Crs.

Henry Parker, of Hull, and Carlisle Spedding Parker, his partner, wine-merchants.

STILL Robert, of Liverpool, in the county of Lancaster, merchant.—Official assignee, Bird.—Sols. Sharpe & Co. Bedford-row, and Lowndes & Co. Liverpool. Fiat, May 20. Bankrupt's own petition.

WHITBY James, of Lynn, in the county of Norfolk, grocer, *d. c.*—Official assignee, Turquand.—Sols. Messrs. Linklaters, Leadenhall-street. Fiat, May 21. Pet. Crs. Joseph Wright Shillito and Thomas Kay Shillito, of Upper Thames-street, grocers.

WILES John, of the parish of Wootton-under-Edge, in the county of Gloucester, builder.—Official assignee, Miller.—Sols. Boykett, Chancery-lane, and Ayre, Bristol. Fiat, May 21. Bankrupt's own petition.

WILKINSON Joseph, of Birkenhead, in the county of Chester, builder and hotel-keeper, *d. c.*—Official assignee, Morgan.—Sols. Vincent, Temple, and Minshall, Liverpool. Fiat, May 19. Bankrupt's own petition.

WILLIAMS James, of No. 222, Whitechapel-road, in the county of Middlesex, importer of and dealer in rattans, bamboos, Mallaco partridge timbers, whanghees, ground rattans, and every other description of cane ribs, and cap and bonnet cane, *d. c.*—Official assignee, Johnson.—Sols. Mayhew & Co. Carey-street. Fiat, May 24. Bankrupt's own petition.

WINSOM Edwin, of the town and county of the town of Southampton, pastrycook and confectioner, *d. c.*—Official assignee, Green.—Sols. Fitch, Southampton-street, and Stace, Southampton. Fiat, May 21. Bankrupt's own petition.

PETITIONING CREDITOR omitted in Gazette, May 21, p. 32.

MACKEY William Henry. Fiat, May 18. Pet. Cr. Augustus Alexander Lackerston, of No. 9, Moorgate-street, merchant.

CERTIFICATES to be allowed June 15.

Allbutt William, of Redditch, draper.
Hopkins Francis, of Cambridge, brewer.
King John, of Kingsland-road, soap-maker.
Morgan James, of Wedmore, draper.
Pannell William, of Poplar, grocer.
Raine Edward, and John Raine, of Barnard Castle, carpet-manufacturers.
Round William, of Hammersmith, grocer.
Wood Joseph, of Luton, plumber.

DIVIDENDS.

Date of Fiat.

1846, **ANDERTON** Thomas, of Sare Hall Mill, in Yardly, Worcestershire, miller and farmer; div.

1847, **ANLEY** Jane, of Exeter, milliner; div.

1843, **BATE** Thomas, William Henry Bate, and James Hellings, of Rugely, Staffordshire, brewers, trading under the firm of Bate Brothers and Hellings; div.

1846, **BRACE** Edward Harwood, and James Allen, of Mitre-court, Milk-street, Cheapside, London, warehousemen, trading under the style or firm of E. H. Brace & Co.; div.

1846, **CLARKE** Christopher, of Goswell-road and Cranbourn-street, both in Middlesex, grocer; div.

1846, **COLEMAN** William Whisted, of Hill, Southampton, provision-merchant; div.

1847, **GREIG** Robert, and William Rawlings, both of Maiden-lane, King's-cross, Middlesex, timber-merchants; divs.

1847, **HUNT** John, of Manchester, Lancashire, merchant and commission-agent; div.

1845, **LONGFIELD** George, of Westbromwich, Staffordshire, tailor and woollen-draper; div.

1847, **MESSENGER** George, of Uxbridge, Middlesex, draper; div.

1847, **NOTWILL** John, carrying on business as a grocer, and also the trade or business of a baker, in Falmouth, Cornwall; div.

1846, **PHILLIPS** Joseph, William Hague, and Samuel Hague, all of Manchester, Lancashire, cotton-spinners, lately carrying on business there under the firm of Joseph Phillips & Co., and which said William Hague and Samuel Hague also lately carried on the business of commission-agents at Manchester; first div.

1847 **PRUST** Joseph, of Stratton, Cornwall, tanner; div.

Gazette, Friday, May 28.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BRIDGE William, late of the town and port of New Romney, but now of the town and port of Folkestone, in the county of Kent, upholsterer.—Official assignee, Green.—Sols. Butterfield & Venour, Gray's Inn-square, and Furlays & Mercer, Ashford. Fiat, May 23. Pet. Cr. George Bridge, of Tenterden, miller.

COX Henry Blackburn, of the city of Coventry, in the county of Warwick, licensed victualler, *d. c.*—Official assignee, Whitmore.—Sols. Motteram & Knowles, Birmingham. Fiat, May 24. Bankrupt's own petition.

HARDWICK Thomas, of Dunstable, in the county of Bedford, grocer, *d. c.*—Official assignee, Belcher.—Sol. Orchard, Hatting-garden. Fiat, May 22. Pet. Crs. John Outhwart and Benjamin Sinclair, of No. 34, Fenchurch-street, tea-dealers.

HOBBS George, of Newport, in the Isle of Wight, tailor and draper.—Official assignee, Turquand.—Sols. Wilde & Co. College-hill. Fiat, May 8. Pet. Cr. Robert Bell, of No. 112, Bishopsgate-street, esq., one of the registered public officers of the National and Provincial Bank of England.

JEFFERIES Joseph, of Kingswood Hill, near Bristol, in the county of Gloucester, draper, tailor and farmer.—Official assignee, Hutton.—Sols. Reed & Co. Friday-street, and Heaven, Bristol. Fiat, May 24. Pet. Crs. Thomas Ford, of King-street, Cheapside, woollen-manufacturer, and William Ford, his partner.

KAY Charles, of Wakefield, in the county of York, manufacturer, *d. c.*—Official assignee, Hope.—Sols. Ramuden, Wakefield, Caris, Leeds, and Clarke, Chancery-lane. Fiat, May 18. Pet. Cr. Samuel Clay, of Wakefield, manufacturer, and his copartner, John Scott, of Wakefield, cloth-manufacturer.

LOGSDON Lewis, of Barnett, in the county of Hertford, coach-builder.—Official assignee, Whitmore.—Sol. Brancomb, Wine Office-court. Fiat, May 21. Pet. Cr. James Insoll, of Birmingham, coach-makers' ironmonger.

LONDON and Birmingham Extension, and Northampton, Daventry, Leamington and Warwick Railway Company, now or late of No. 15, Old Jewry Chambers, in the city of London, being a trading or commercial Company.—Official assignee, Turquand.—Sols. Ashurst & Son, Cheapside. Fiat, May 18. Pet. Crs. John Thomas King and John King, of College-hill, printers.

POLAND John, of the Broadway, Ludgate-hill, in the city of London, furrier.—Official assignee, Turquand.—Sol. Fitch, Union-street, Borough. Fiat, May 14. Pet. Crs. Judah Joseph, Joseph Joseph, and Simon Joseph, of Swan-street, Dover-road, furriers.

PROSSER John, of No. 61, Piccadilly, in the county of Middlesex, goldsmith and jeweller, and also of No. 7, Park-side, Knightsbridge, in the said county of Middlesex.—Official assignee, Pennell.—Sols. Elcum, Blackfriars-road. Fiat, May 26. Pet. Crs. William Rapet and Richard Nash, of No. 22, Dean-street, Soho, goldsmiths.

ROLLASON George Thomas, of Birmingham, in the county of Warwick, glass and china dealer.—Official assignee, Christie.—Sols. Vincent, King's Bench-walk, and Hodgson, Birmingham. Fiat, May 24. Pet. Cr. Joseph Green, of Birmingham, glass manufacturer.

THWAITE Elizabeth, of Oldham, in the county of Lancaster, machine maker, *d. c.*—Official assignee, Pott.—Sols. Clarke & Co. Lincoln's Inn-fields, and Summerscales, Oldham. Fiat, May 24. Pet. Cr. John Wainwright, of Oldham, smith.

WELSH John, of the city of Carlisle, in the county of Cumberland, tailor and draper.—Official assignee, Baker.—Sols. Hough, Carlisle, Hoyle, Newcastle, and Capes & Stuart, Gray's Inn. Fiat, May 18. Pet. Cr. Caleb Hodgson, of Botchergate, near Carlisle, cheesemonger.

WILKIN Richard, late of Liverpool, in the county of Lancaster, agent and ship-broker, and of Beddgelert, in the county of Merioneth, quarryman, *d. c.*—Official assignee, Turner.—Sols. Bridge & Co. London-wall, and Dodge, Liverpool. Fiat, May 23. Bankrupt's own petition.

WINN James, of Bramham, in the county of York, joiner and wheelwright, *d. c.*—Official assignee, Young.—Sols. Fiddley, Temple, and Barr & Co. Leeds. Fiat, May 24. Bankrupt's own petition.

CERTIFICATES to be allowed June 18.

Dutchman Hewson, of Liverpool, merchant.
 Hardy John, of Castle Donnington, cattle-dealer.
 Ingham John, of Liverpool, merchant.
 Lovatt Henry, and William Hinde Larkman Corran, of Liverpool, merchants.
 Marks Solomon, of Cardiff, clock-maker.
 Mortimer John, of Bradford, woolstapler.
 Oxtoby Robert, of Wansford, and William Christopher Oxtoby, of Great Driffield, millers.
 Ullathorne James, of Spencer-place, Brixton-road, builder.

DIVIDENDS.**Date of Fiat.**

- 1842, BAILEY Edward, of No. 13, Mount-street, Grosvenor-square, Middlesex, upholsterer and cabinet-maker; final div.
 1846, BARKER Henry John, of Flixton, Lancashire, log-wood and drug grinder and miller; div.
 1846, BRYANT Isaac, formerly of the Prince of Wales, Kingsland-road, licensed victualler, but late of No. 2, Victoria-grove, Stoke Newington, Middlesex, builder; div.
 1847, CALLIERT Pierre, of Manchester, Lancashire, leather-dealer and commission-agent; div.
 1847, COOK Henry James, of Hedge-row, Islington, Middlesex, linen-draper; div.
 1847, HAMLIN Richard, of Blenheim-street, Oxford-street, Middlesex, tailor and draper; final div.
 1846, HINDMARSH Joseph, of Liverpool, Lancashire, woollen-draper and tailor; div.
 1846, KOCH John Edward Campbell, of No. 6, Great Winchester-street, London, East India merchant; div.
 1847, LAWRENCE Thomas, of Reading, Berkshire, draper; div.
 1844, LAWRENCE Benjamin, of Crown-court, Old Broad-street, London, merchant, and George Henry Darby Lawrence, late of Zante, merchant, carrying on business under the firm of Lawrence, Son & Co.; joint div.
 1847, MABSON George Moulton, of No. 43, High-street, White-chapel, Middlesex, and of No. 4, Whitechapel-road, said county, potato dealer; div.
 1847, MORGAN James, of Wedmore, Somersetshire, draper and grocer; div.
 1845, SMITH David, late of the Venalt Iron and Coal Works, in Lantwit juxta Neath, Glamorganshire, iron-master, but now residing in King's Swinford, Staffordshire; div.
 1845, SPONG John, of Ockham, Surrey, coal-merchant; div.
 1846, WALLIS Thomas, of College-street, Chelsea, Middlesex, builder and plasterer; div.
 1845, WOODHAMS Joseph, of Nos. 47 and 60, High-street, Portland-town, Middlesex, plumber, painter and glazier, oil and colourman, and builder; div.

Gazette, Tuesday, June 1.**BANKRUPTS.****TOWN AND COUNTRY FIATS.**

- BURGESS William Henry, late of Harp-lane, Tower-street, in the city of London, but now of Skinner-street, Somers-town, in the county of Middlesex, and also at No. 39, Great Tower-street, in the said city of London, grocer and colonial dealer, *d. c.*—Official assignee, Edwards.—Sols. Messrs. Gole, Lime-street. Fiat, May 29. Pet. Cr. William Morgan, of Upper East Smithfield, ship-chandler.
 DAVIS William, of Preston, in the county of Lancaster, timber-merchant, and also carrying on the trade or business of a lime-burner, at Ratcliffe Wharf, within Forton, in the said county.—Official assignee, Hobson.—Sols. Norris & Co. Bedford-row, and Howard & Harrison, Preston. Fiat, May 25. Pet. Cr. William Davis, of Preston, timber-merchant.
 BLUE Joseph, of Derby, in the county of Derby, victualler, *d. c.*—Official assignee, Bittleston.—Sols. Seargill, Hatton-garden, and Smith, Derby. Fiat, May 17. Bankrupt's own petition.

HILL Frederic, and William Cam Monkhouse, of Montague-close, Southwark, in the county of Surrey, wharfingers and corn-dealers, *d. c.*, copartners together in trade.—Official assignee, Bell.—Sols. Willoughby & Co. Clifford's Inn. Fiat, May 27. Pet. Crs. Thomas Burrows and William Hopkinson, sen. and jun., of Paul's Wharf, corn-factors.

HILLS Edwin, of St. Mary's-road, Peckham, in the county of Surrey, charcoal-burner and manufacturer of naphtha, and now or lately carrying on business at the several places hereinafter mentioned, that is to say, at Warsash, in the parish of Titchfield, in the county of Southampton, at Farnhurst, in the county of Sussex, at Lodkin, near Godalming, and in the Old Kent-road, Surrey, and at Crinan Dock, Gilpead, in the county of Argyle, in Scotland.—Official assignee, Groom.—Sols. Holme & Co. New Inn, and Mel-lersh, Godalming. Fiat, May 24. Pet. Cr. George Joseph Hill, of Godalming, timber-merchant.

HITCHIN Samuel, of Oxford-street, in the county of Middlesex, draper and mercer.—Official assignee, Cannan.—Sols. Reed & Co. Friday-street. Fiat, May 29. Pet. Crs. Jonathan and Albert John Crocker, of Friday-street, warehousemen.

LETHBRIDGE Ebenezer, of Plymouth, in the county of Devon, merchant, *d. c.*—Official assignee, Hernaman.—Sols. Plymouth, and Stogdon, Exeter. Fiat, May 20. Pet. Cr. Samuel Truby, of Plymouth, merchant.

PERRY Charles Henry, of Liverpool, in the county of Lancaster, baker and flour-dealer.—Official assignee, Cazenove.—Sols. Chester & Co. Staple Inn, and Morecroft & Son, Liverpool. Fiat, May 24. Bankrupt's own petition.

SARSON James Thomas, of No. 1, Brunswick-place, City-road, in the county of Middlesex, vinegar and mustard dealer, *d. c.*—Official assignee, Whitmore.—Sol. Weeks, Tokenhouse-yard. Fiat, May 29. Bankrupt's own petition.

SAVAGE Cephas, of Chesterfield, in the county of Derby, builder, carpenter and joiner, *d. c.*—Official assignee, Hobson.—Sols. Busby, Chesterfield, and Palmer & Co. Bedford-row. Fiat, May 5. Pet. Cr. Elizabeth Dutton, of Chesterfield, miller.

SHERATON Ralph, of Ison Green, in the parish of Luton, in the county of Nottingham, cabinet-maker, *d. c.*—Official assignee, Freeman.—Sols. Jones & Co. John-street, and Brown, Nottingham. Fiat, May 25. Bankrupt's own petition.

SLY Stephen, of No. 10, Hinde-court, Fleet-street, in the city of London, engraver and printer, *d. c.*—Official assignee, Follett.—Sol. Buchanan, Basinghall-street. Fiat, May 29. Bankrupt's own petition.

SPRAY John, of Carlton, in the parish of Gedling, in the county of Nottingham, frame-smith.—Official assignee, Bittleston.—Sol. Patchett, Nottingham. Fiat, May 19. Bankrupt's own petition.

STRONG Sidney, of No. 65, Watling-street, in the city of London, cigar-manufacturer.—Official assignee, Whitmore.—Sol. Gill, Harrington-street, Hampstead-road. Fiat, May 25. Pet. Cr. Henry Page, of No. 2, Star-court, Bread-street, cigar-manufacturer.

SYKES William, of the Old and New Catherine Wheel-yards, Bishopsgate-street, in the city of London, and now of No. 17, Saville-place, Mile-end, in the county of Middlesex, carrier, carman, *d. c.*—Official assignee, Turquand.—Sol. Glynes, America-square. Fiat, May 31. Pet. Cr. John Shotton Hobbs, of No. 157, Leadenhall-street, publisher.

CERTIFICATES to be allowed June 22.

Benson Richard, of Liverpool, share-broker.
 Clarke John, of Great Castle-street, painter.
 Dix Richard, of Wells, saddler.
 Grimes Mary, of Cheltenham, saddler.
 Halstead John, of Radcliffe, cotton-manufacturer.
 Hamlin Richard, of Blenheim-street, tailor.
 Hastings John, of Hull, draper.
 Holder Samuel Bateman, of the city of London, merchant.
 Leslie Archibald, of St. Dunstan's-hill, merchant, (partner with William Smith).
 Pearson John, of Newcastle, fellmonger.
 Rochat Jules, of St. Martin's-lane, jeweller.
 Slough Josiah, of Twickenham, baker.

DIVIDENDS.

Date of Fiat.

- 1842, **ACRAMAN** Daniel Wade, William Edward Agraman, Alfred John Agraman, William Morgan, Thomas Holroyd, and James Norraway Franklyn, all of Bristol, boiler-makers and engineers; fur. sep. div. of Franklyn.
- 1846, **BATEMAN** Thomas, of Coventry, Warwickshire, victualler; div.
- 1845, **FLINTOFF** George, of Plymouth, Devonshire, bookseller and stationer; div.
- 1840, **HILL** James, of Wisbeach St. Peter, Isle of Ely, Cambridge-shire, and Thomas Hill, of Peterborough, Northamptonshire, merchants; final div.
- 1846, **HIPWOOD** Joseph Hutchison, of Cornhill, London, merchant; div.
- 1840, **LAMBERT** James, of Monmouth, draper; div.
- 1846, **MORPHEN** William, of Seven Oaks, Kent, linen-draper and farmer; div.
- 1847, **PRINCE** Jackson, of Coxhoe, Durham, grocer and draper; first div.
- 1844, **RICHARDSON** William, of Newcastle-upon-Tyne, glass-manufacturer, painter and glazier; fur. div.
- 1840, **TILDESLEY** Samuel, the younger, of Leamington, Warwick-shire, coal-dealer and wharfinger; final div.
- 1843, **WHELD** George, of Dudley, Worcestershire, clothier; first div.

Gazette, Friday, June 4.**BANKRUPTS.****BANKRUPTCY SUPERSEDED.****STEVENS** Thomas William Green, of Bampton, hackney-master.**TOWN AND COUNTRY FIATS.**

- ANN** William, of Hambrook, in the parish of Winterbourne, in the county of Gloucester, butcher and cattle-dealer.—Official assignee, Agraman.—Sol. Gray, Bristol. Fiat, May 29. Bankrupt's own petition.
- BOSUSTOW** Richard, of Redruth, in the county of Cornwall, grocer, d. c.—Official assignee, Hernaman.—Sols. Stogdon, Exeter, and Keddell & Co. Lime-street. Fiat, June 1. Bankrupt's own petition.
- BURRELL** John, of Wakefield, in the county of York, surgeon and apothecary.—Official assignee, Hope.—Sols. Gregory & Co. Bedford-row, and Westmorland & Taylor, Wakefield. Fiat, May 31. Bankrupt's own petition.
- COLLINS** James, and John Collins, of No. 9, Stall-street, in the city of Bath, in the county of Somerset, copartners in trade, jewellers and toymen, d. c.—Official assignee, Miller.—Sol. Drake, Bath. Fiat, May 27. Bankrupts' own petition.
- COX** John, of Bishopwearmouth, in the borough of Sunderland, in the county of Durham, grocer and flour-dealer.—Official assignee, Wakley.—Sol. Cooper, Sunderland. Fiat, May 29. Bankrupt's own petition.
- HOLMES** Thomas, of Belgrave-street South, Pimlico, and Hereford-square, Brompton, both in the county of Middlesex, builder.—Official assignee, Belcher.—Sols. Rhodes & Lane, Chancery-lane. Fiat, June 4. Bankrupt's own petition.
- JUDD** John, of Brynmawr, in the county of Brecon, shopkeeper, d. c.—Official assignee, Miller.—Sols. Hudson, Bloomsbury-square, and Hopkins, Bristol. Fiat, May 29. Bankrupt's own petition.
- LOCKWOOD** John, of No. 44, Upper Baker-street, Dorset-square, in the county of Middlesex, builder, d. c.—Official assignee, Green.—Sols. Messrs. Bicknell, Connaught-terrace, Edgware-road. Fiat, June 2. Pet. Cr. Christopher Bicknell, of No. 4, Grove-end-road, St. John's Wood, gent.
- M'KENNA** James, of George-street, Hanover-square, in the county of Middlesex, and of Russell-street, Chelsea, in the county of Middlesex, tailor, d. c.—Official assignee, Bell.—Sols. Linklaters, Leadenhall-street. Fiat, June 2. Bankrupt's own petition.

PHILLIPS Hugh, of No. 82, Tothill-street, Westminster, in the county of Middlesex, linen-draper, hosier and haberdasher, d. c.—Official assignee, Groom.—Sols. Hensman, Basing-lane. Fiat, June 1. Bankrupt's own petition.

TENCH William, of Winlaton, in the county of Durham, grocer and draper.—Official assignee, Baker.—Sols. Messrs. Chester, Newcastle. Fiat, May 28. Pet. Cr. John Pringle Turnbull, of Newcastle, wholesale grocer.

TWIGG Charles, of Newton-row, in the borough of Birmingham, in the county of Warwick, button-maker, d. c.—Official assignee, Christie.—Sols. Motteram & Knowles, Birmingham. Fiat, May 27. Pet. Cr. Edwin Sherwood, of Birmingham, pattern-card manufacturer.

UDALE James, of Oakmoor, in the county of Stafford, corn and flour-dealer, d. c.—Official assignee, Valpy.—Sol. Baggshaw, Uttoxeter. Fiat, May 26. Bankrupt's own petition.

WAGSTAFF William, of Liverpool, in the county of Lancaster, cabinet-maker.—Official assignee, Morgan.—Sols. Chester & Co. Staple Inn, and Tyrer, Liverpool. Fiat, May 31. Bankrupt's own petition.

WHITELEY George, of Bradford, in the county of York, hatter, d. c.—Official assignee, Hope.—Sols. Sudlow & Co. Chancery-lane, and Lee, Leeds. Fiat, May 29. Bankrupt's own petition.

CERTIFICATES to be allowed June 25.

- Booth** Henry, James Booth, and Thomas Booth, of Haughton, hat-manufacturers.
- Bramall** John, of Ashton-under-Lyne, grocer.
- Brown** John, of Great Queen-street, carver.
- Brunton** John, of Birkenhead, commission-agent, (partner with John Haskins Gandell).
- Hill** James, of Leeds, share-broker.
- M'Enteer** Thomas, of Liverpool, provision-merchant.

DIVIDENDS.

Date of Fiat.

- 1846, **BEATON** John, of No. 129, Upper-street, Islington, Middlesex, tailor; div.
- 1846, **FIELDER** Alfred, of Alton, Southampton, brewer and maltster and coal-merchant; div.
- 1847, **HODDING** William Henry, of Gloucester-place, Portman-square, Middlesex, surgeon and apothecary; div.
- 1842, **LOW** Henry Malcolm, and William Marcus Westerman, late of Calcutta, and now residing at Chundernagore, heretofore trading in Calcutta with one Charles Augustus Cantor, who is now residing in England, as merchants and agents, under the style or firm of Cantor & Co.; joint div.

Gazette, Tuesday, June 8.**BANKRUPTS.****BANKRUPTCY SUPERSEDED.**

DOBSON John Richard, of St. Thomas's-street, Southwark, hoph-merchant.

TOWN AND COUNTRY FIATS.

- AGER** Joseph, of the town of Northampton, in the county of Northampton, boot and shoe manufacturer, d. c.—Official assignee, Edwards.—Sols. Hensman, Basing-lane, and Dennis, Northampton. Fiat, May 28. Pet. Cr. William Williams, of Northampton, leather-seller.
- ASHCROFT** John, of Toxteth Park, in the borough of Liverpool, in the county of Lancaster, timber-broker, measurer, and dealer, d. c.—Official assignee, Cazenove.—Sols. Gregory & Co. Bedford-row, and Frodsham, Liverpool. Fiat, June 3. Bankrupt's own petition.
- BEWLEY** Thomas, of the hamlet of Moulsham, in the parish of Chelmsford, in the county of Essex, iron-manufacturer, d. c.—Official assignee, Foillett.—Wright & Co. London-street. Fiat, May 31. Pet. Cr. Hugh James Vardon, of Gracechurch-street, ironmonger.
- BIRCH** Thomas James, of Pendleton, in the county of Lancaster, tea-dealer and grocer, d. c.—Official assignee, Frazer.—Sols. Milne

& Co. Temple & Sutton, Manchester. Fiat, May 25. Pet. Cr. John Hunter, of Manchester, tea-merchant, and Thomas and Edward Binyon, his partners.

BOWEN Benjamin, of the city and county of Bristol, coal-merchant.—Official assignee, Millar.—Sol. Ayre, Bristol. Fiat, June 3. Bankrupt's own petition.

BROWN William Smith, the elder, and William Smith Brown, the younger, of No. 53, Broad-street, Ratcliff, in the county of Middlesex, sail-makers and ship-chandlers, *d. c.* and copartners.—Official assignee, Edwards.—Sols. Soles & Turner, Aldermanbury. Fiat, June 5. Pet. Cr. Orlando Webb, of Sackville-street, gent., and Joseph Roberts, of Penkridge, Staffordshire, gent.

COLLIE Henry, of Birkenhead, in the county of Chester, builder.—Official assignee, Turner.—Sols. Gregory & Co. Bedford-row, and Watson & Co. Liverpool. Fiat, June 3. Pet. Cr. James Astley Watson, of Liverpool, gent.

COX Thomas, of Manchester, in the county of Lancaster, wine and spirit merchant, *d. c.*—Official assignee, Pott.—Sols. Michael, Red Lion-square, and Cooper, Manchester. Fiat, June 3. Pet. Cr. David Hart, of No. 59, Fenchurch-street, wine-merchant, (trading as Lemon, Hart & Son).

CREMER John Thomas, of No. 52, St. Mary Axe, in the city of London, merchant, *d. c.*—Official assignee, Whitmore.—Sols. M'Leod & Co. London-street. Fiat, June 3. Pet. Cr. Charles and James Heaton, of Lime-street, merchants.

CURME Charles, of Hilperton, in the county of Wilts, common brewer, trading under the firm or style of Charles Curme & Co.—Official assignee, Hutton.—Sols. Blowers & Co. Lincoln's Inn-fields, and Nash, Bristol. Fiat, May 28. Pet. Cr. Amos Green-slade and John Flower Jackson, of High-street, Borough, hop-merchants.

DICKEN William, of Brentford-end, Isleworth, in the county of Middlesex, grocer and cheesemonger, *d. c.*—Official assignee, Turquand.—Sols. Allen & Co. Queen-street. Fiat, June 7. Pet. Cr. Thomas Howse, of High-street, Southwark, tea-dealers.

FAY Tullius Priest, of Liverpool, in the county of Lancaster, surgeon dentist, *d. c.*—Official assignee, Morgan.—Sols. Keightley & Co. Chancery-lane, and Woodburn, Liverpool. Fiat, June 4. Bankrupt's own petition.

HOLMYARD James, of No. 2, Ogle-street, Foley-place, in the county of Middlesex, and of No. 41, Foley-street, in the same county, furniture-broker, cabinet-maker, *d. c.*—Official assignee, Green.—Sol. Serrell, Gray's Inn. Fiat, June 5. Bankrupt's own petition.

LAVERS Robert, of the town and county of Southampton, grocer, *d. c.*—Official assignee, Pennell.—Sol. Fitch, Southampton-street. Fiat, June 2. Pet. Cr. Charles Cray, of Southampton, provision-merchant.

MESNARD Edward, and John Hudson, of Sunderland, Seaham, and Hartlepool, all in the county of Durham, and of the town and county of the town of Newcastle-upon-Tyne, merchants, *d. c.* and copartners.—Official assignee, Wakley.—Sols. Forster, Newcastle, Turnbull, Hartlepool, and Meggison & Co. King's-road. Fiat, May 29. Bankrupt's own petition.

NOYES William Henry, of Longparish, in the county of Southampton, relieving officer of the poor for the Longparish district of the Andover Union, and registrar of births and deaths in the same district, and previously of Longparish aforesaid, baker, grocer, linen-draper, tea-dealer, and dealer in coals and wood, and tobacco, *d. c.*—Official assignee, Cannan.—Sols. Gregory, Adam-street, and Lee, Winchester. Fiat, June 3. Bankrupt's own petition.

PARKER James, late of Clapham, in the county of Surrey, corn-chandler, *d. c.*—Official assignee, Cannan.—Sols. Messrs. Kirkman, Lawrence Pountney-lane. Fiat, May 7. Pet. Cr. Hayton Thornton Reed, of Mill-street, Bermondsey, lighterman.

SIMS William, of No. 31, Great Queen-street, Lincoln's Inn-fields, in the county of Middlesex, coach and harness maker.—Official assignee, Follott.—Sols. Hall & Co. Verulam-buildings. Fiat, June 4. Pet. Cr. George and William Southey, of Chelsea-street, carriers.

VEBDALE Joseph, of Luton, in the county of Bedford, draper, perfumer, *d. c.*—Official assignee, Cannan.—Sol. Beart, Bouverie-street. Fiat, June 2. Bankrupt's own petition.

CERTIFICATES to be allowed June 29.

Billing Benjamin, of Harlow, victualler.
Buttivant Tamazin Sarah, of Norwich, haberdasher.
Crashaw George, of Leeds, soap-boiler and cloth-merchant.
Cubitt Samuel, of Colchester, clothier.
Dickinson Wilson, of Manchester, saddler.
Forber Joshua, of Liverpool, watch-maker.
Gandell John Haskins, of Birkenhead, commission-agent, (partner with John Brunton).
Kirke Robert, of Llanelly, coal-dealer.
Noller Samuel, of Debenham, carrier.
Shirt John, of Brett's-buildings, Camberwell, cheesemonger.

DIVIDENDS.

Date of Fiat.

1846, **BALLINGER** William, of Swansea, Glamorganshire, maltster, brewer and grocer; div.
1841, **CHADWICK** Samuel, James Chadwick, and John Chadwick, of Heywood, Lancashire, cotton-spinners and manufacturers; final div.
1844, **DAVIS** Edward Francom, of Old Market-street, Bristol, ironmonger and cutler; div.
1827, **GOLDSMID** Henry, formerly of Staplehurst, and late of Linton, both in Kent, wine-merchant; div.
1847, **HALLETT** Charles, and Charles Parker, both of Thornton-street, Dockhead, Bermondsey, Surrey, and of No. 102, Minories, London, linen-draper, under the firm of Parker & Hallett; div.

Gazette, Friday, June 11.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

BARRATT John Charles, of the Strand, picture-dealer.
STALEY George, of Manchester, provision-shopkeeper.

TOWN AND COUNTRY FIATS.

ACKLING Thomas, late of Highworth, in the county of Wilts, corn-dealer, maltster, sacking-manufacturer, and now of Llange-nec, in the county of Carmarthen, *d. c.*—Official assignee, Acraman.—Sols. Chamberlen, Highworth, and Nash, Bristol. Fiat, May 26. Pet. Cr. Francis Haines, of Highworth, haberdasher.

ADAMS Robert, and Thomas Banks, both of Liverpool, in the county of Lancaster, trading there as partners, under the firm of Adams & Banks, as cattle salesmen, *d. c.*—Official assignee, Bird.—Sols. Chester & Co. Staple Inn, and Mallaby & Townsend, Liverpool. Fiat, June 4. Pet. Cr. Jackson Townsend, of Liverpool, attorney, and Joseph Mallaby, his copartner.

BLACKMORE Phillip, of No. 8, Little James-street, Bedford-row, in the county of Middlesex, saddler.—Official assignee, Groom.—Sols. Kingdon & Shephard, Clifford's Inn. Fiat, June 9. Bankrupt's own petition.

COCKINGS Samuel, of Torquay, in the county of Devon, timber-merchant and lime-burner.—Official assignee, Hirtzel.—Sols. Turner, Exeter, and Cowland, Lincoln's Inn-fields. Fiat, June 7. Bankrupt's own petition.

COOKE William Tomlin, of Aylsham, in the county of Norfolk, ironmonger.—Official assignee, Graham.—Sols. Trehern & Co.—Fiat, May 25. Pet. Cr. Robert Thompson, of Norwich, ironmonger.

ELLIOTT Joseph, late of Cold Ashby, in the county of Northampton, carpenter, but now of Daventry, in the same county, victualler, *d. c.*—Official assignee, Johnson.—Sols. Weller, King's-road, and Pell, jun., Welford and Northampton. Fiat, June 2. Pet. Cr. William Buxton, of Daventry, auctioneer.

EVANS Thomas, stock and share broker, carrying on business in the cities of Bath and Bristol.—Official assignee, Acraman.—Sols. Parker, New Inn, and Thornbury. Fiat, June 2. Pet. Cr. Richard Parker Lemon, of Bath, share-broker.

GAPP John, of No. 19, Duke-street, Manchester-square, in the county of Middlesex, livery-stable keeper and job-master.—Official assignee, Pennell.—Sols. Parker & Co. Raymond-buildings. Fiat, June 9. Pet. Cr. Richard Brown and John Hutchinson, of No. 3, Winsley-street, Oxford-street, coach-makers.

HAYDAY Richard, of Milk-street, Cheapside, in the city of London, silk-warehouseman.—Official assignee, Belcher.—Sols. Surr & Grimble, Lombard-street. Fiat, June 4. Bankrupt's own petition.

HIND John, and Roger Warbuck, both of Liverpool, in the county of Lancaster, curriers and leather dealers, *d. c.*—Official assignee, Cazenove.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, June 5. Bankrupts' own petition.

JONES Edward, the younger, of Watling-street, in the city of London, and of Pickford Mills, in the county of Hertford, paper-manufacturer, *d. c.*—Official assignee, Groom.—Sol. Bennett, Bloomsbury-square. Fiat, June 1. Pet. Cr. Robert Pegg and William Harper, of Derby, colour-manufacturers.

LEWIS William, of Ham-street, in the borough of Plymouth, in the county of Devon, grocer and tea-dealer.—Official assignee, Hirtzel.—Sols. Cross, Plymouth, Terrell, Exeter, and Gregory & Co. Bedford-row. Fiat, June 1. Bankrupt's own petition.

LUND Robert, of Blackburn, in the county of Lancaster, cotton-spinner and manufacturer.—Official assignee, Hobson.—Sols. Milne & Co. Temple, Neville & Ainsworth, Blackburn, and Sale & Co. Manchester. Fiat, June 3. Pet. Cr. Robert Railton, of Blackburn, iron-founder.

MARSDON William, of Brompton, in the county of Kent, grocer.—Official assignee, Graham.—Sols. Hill & Matthews, St. Mary Axe. Fiat, June 3. Pet. Cr. John Cogan Conway and Thomas Brown, of Friday-street, grocers.

MAUDE John Milthorpe, late of the Upper Ordnance Wharf, Rotherhithe, in the county of Surrey, cement manufacturer, *d. c.*, now of Peckham, in the parish of St. Giles, Camberwell, in the said county.—Official assignee, Johnson.—Sols. Marten & Co. Mincing-lane. Fiat, June 8. Pet. Cr. Nehemiah Griffiths, of White Hart-court, Lombard-street, ship-broker.

SADLER Thomas, of Severn-street, Birmingham, in the county of Warwick, licensed victualler, *d. c.*—Official assignee, Valpy.—Sol. Harding, Birmingham. Fiat, June 8. Bankrupt's own petition.

SIME William, of Liverpool, in the county of Lancaster, block-maker and joiner, *d. c.*—Official assignee, Morgan.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, June 8. Bankrupt's own petition.

STRINGER John, of the town and county of Kingston-upon-Hull, draper, carpet warehouseman, *d. c.*—Official assignee, Hope.—Sols. Hardwicke & Co. Weavers' Hall, and England & Shackles, Hull. Fiat, June 5. Pet. Cr. Samuel Ridley, Samuel William Ridley, and Henry Ridley Ellington, of Newgate-street, warehousemen.

THOMAS Evan, of Aldersgate-street, in the city of London, draper, *d. c.*—Official assignee, Graham.—Sols. Messrs. Linklaters, Leadenhall-street. Fiat, June 8. Pet. Cr. William Dix, of Ebenezer-place, Commercial-road, butcher.

WESTON James Ricketts, of the town and county of Southampton, auctioneer, *d. c.*—Official assignee, Turquand.—Sol. Fitch, Southampton-street. Fiat, June 9. Bankrupt's own petition.

WILSON Thomas, of Bradford, in the county of York, boot and shoe maker, *d. c.*—Official assignee, Young.—Sols. Jones & Co. John-street, and Harle & Clarke, Leeds. Fiat, June 5. Bankrupt's own petition.

WOODS George, of Mansfield, in the county of Nottingham, salesman, *d. c.*—Official assignee, Freeman.—Sols. Moss, Serjeants' Inn, and Branson, Sheffield. Fiat, May 27. Bankrupt's own petition.

- CERTIFICATES to be allowed July 2.

Beal James, of Manchester, confectioner.
Cartwright John, of Shrewsbury, iron-founder.
Chadwick John Smith, of Manchester, calico-printer.
Eades Edward, of Merton, auctioneer.
Goodwin Owen, and Thomas Goodwin, of Burslem, druggists.
James William, of Berkeley, builder.
Jebb John, of Baschurch, grocer.
Kerrison William, of Southampton, glass-merchant.
Kilmington Robert, of Jewin-crescent, jeweller.
Morton William, of Cannon-street-road, draper.
Sharp George, of Commercial-road, mason, (partner with Samuel Sharp).
Skinner William, of Burslem, victualler.

DIVIDENDS.

Date of Fiat.

1837, **COOPER** Jacob Bradley, of Harleston, Suffolk, coal, hop, corn and hay merchant; div.
1847, **HALLILEY** Anthony, and Richard Halliley, of Wigton, Cumberland, calico-printers; joint and sep. diva.
1846, **HIGNETT** John, of Manchester, Lancashire, sack-manufacturer; div.
1846, **HILL** Samuel, of Bolton-le-Moors, Lancashire, boiler-maker, as a trader indebted jointly and together with one Henry Owen now or late of Bolton-le-Moors aforesaid; first joint div., and sep. div. of Hill.
1847, **HOWELL** Henry, of Shrewsbury, Salop, draper; div.
1845, **SMITH** John, of St. Dunstan's-hill, London, ship and insurance broker; div.
1843, **WALKER** George, of Newcastle-upon-Tyne, ship and insurance broker and merchant; final div.

Gazette, Tuesday, June 15.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

SECKEL Meyer Abraham, and Hilery John Banerman, of Dale-street, Aldgate, watch-manufacturers.

TOWN AND COUNTRY FIATS.

ATKINSON Anthony, of the borough and county of Newcastle-upon-Tyne, share-broker, *d. c.*—Official assignee, Baker.—Sols. Crosby & Co. Church-court, and Hoyle, Newcastle. Fiat, May 28. Pet. Cr. John Theodore Hoyle, of Newcastle, gent.

ATKINSON William Frederick, of Wakefield, in the county of York, woolstapler, *d. c.*—Official assignee, Young.—Sols. Jacques & Co. Ely-place, and Greaves, Leeds. Fiat, June 8. Bankrupt's own petition.

BROSTER William, of Tranmere, in the county of Chester, joiner and builder.—Official assignee, Bird.—Sols. Gregory & Co. Bedford-row, and Fletcher & Hull, Liverpool. Fiat, June 9. Bankrupt's own petition.

CHURCHES William Gideon, of No. 9, Basinghall-street, in the city of London, Blackwell-hall factor and warehouseman, *d. c.*—Official assignee, Bell.—Sols. Dickson & Overbury, Frederick's-place. Fiat, June 9. Pet. Cr. Nathaniel Samuel Malling, of Stroud, woollen-manufacturer.

DIRCKS Henry, of Winsley-street, Oxford-street, in the county of Middlesex, and Nicholas-lane, in the city of London, manufacturer of malt and hop extract, *d. c.*—Official assignee, Graham.—Sols. Messrs. Robinson, Queen-street-place. Fiat, June 15. Bankrupt's own petition.

DUNLOP Archibald, of No. 52, Lower Belgrave-place, Chester-square, in the county of Middlesex, land-agent, scrivener *d. c.*—Official assignee, Johnson.—Sols. Wathen & Phillips, Basinghall-street. Fiat, June 8. Bankrupt's own petition.

EDMUNDS Edward, of Lowndes-street, Knightsbridge, in the county of Middlesex, and also of St. George's-place, Knightsbridge aforesaid, hosier and glover.—Official assignee, Belcher.—Sols. Reed & Co. Friday-street. Fiat, June 11. Pet. Cr. Samuel Morley, John Morley, jun., Benjamin Morley, and Arthur Morley, of Wood-street, warehousemen.

EVANS John, of No. 2, Pump-row, Old-street-road, in the parish of St. Luke, in the county of Middlesex, paper-stainer, paper-hanger, *d. c.*—Official assignee, Cannan.—Sol. Weeks, Tokenhouse-yard. Fiat, June 10. Bankrupt's own petition.

GILBERT George, of Folkestone, in the county of Kent, leather-cutter, shoe-maker, *d. c.*—Official assignee, Bell.—Sol. Steanning, Lincoln's Inn-fields. Fiat, May 28. Pet. Cr. William Swambrough, of Tonbridge, currier.

GILMAN Charles, of No. 4, Canal-terrace, Camden-town, and late of No. 267, Oxford-street, in the county of Middlesex, oilman and grocer.—Official assignee, Whitmore.—Sols. Lory & Co. New Bridge-street. Fiat, June 11. Bankrupt's own petition.

JAGGER Thomas, of Birkenhead, in the county of Chester, victualler.—Official assignee, Turner.—Sols. Gregory & Co. Bedford-row, and Fletcher & Hull, Liverpool. Fiat, June 7. Bankrupt's own petition.

KEMP John Fox, of Uxbridge, in the county of Middlesex, grocer, cheesemonger, &c.—Official assignee, Turquand.—Sols. Bell & Co. Bow-churchyard. Fiat, May 28. Pet. Cr. John Bradbury Shuttleworth, of Dowgate-hill, tea-dealer.

LORD Edmund, of High-street, in Rochdale, in the county of Lancaster, flannel-manufacturer.—Official assignee, Fraser.—Sols. Hunt, Rochdale, and Cragg & Jeyes, Bedford-row. Fiat, June 4. Bankrupt's own petition.

NAYLOR Joseph, of Cleckheaton, in the parish of Birstal, in the county of York, clock and watch maker, &c.—Official assignee, Hope.—Sols. Jones & Co. John-street, and Harle & Clarke, Leeds. Fiat, June 7. Bankrupt's own petition.

ROBINSON James, of Manchester, in the county of Lancaster, (trading in or under the name of Edward Robinson) perfumer and dealer in fancy goods, and a partner in the Lancashire, Yorkshire, and Newcastle Coal Company.—Official assignee, Hobson.—Sols. Abbott, Charlotte-street, and Atkinson & Co. Manchester. Fiat, June 11. Bankrupt's own petition.

ROLLINGS James, of Landport, Portsmouth, in the county of Hants, stay-manufacturer.—Official assignee, Follett.—Sols. Loftly & Co. King-street. Fiat, June 2. Pet. Cr. William Henry Bruce, of Trump-street, King-street, Cheapside, stationer.

SHEPHERD John Longman, of Basinghall-street, in the city of London, tavern-keeper, victualler, &c.—Official assignee, Edwards.—Sol. Buchanan, Basinghall-street. Fiat, June 8. Pet. Crs. John and George Dean, of King William-street, ironmongers.

SHIPMAN Thomas, the younger, William Birks, and Benjamin Shipman, of the town and county of the town of Nottingham, lace-manufacturers and copartners.—Official assignee, Bittleston.—Sol. Wells, Nottingham. Fiat, May 29. Pet. Crs. Samuel Bean, of Nottingham, silk-merchant, and John Johnson, his partner.

THOMAS Abraham, of Liverpool, in the county of Lancaster, cart-owner, &c.—Official assignee, Turner.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, June 12. Pet. Cr. William Annan Holmes, of Liverpool, book-keeper.

WALFORD John, of Stamford, in the county of Lincoln, inn-keeper and victualler, &c.—Official assignee, Bittleston.—Sols. Thompson & Co. Stamford. Fiat, May 19. Pet. Cr. William Andrew Horden, of Stamford, maltster.

WORSEY William, of Forebridge, in the parish of Castle Church, in the county of Stafford, dealer in stone, road-contractor, &c.—Official assignee, Christie.—Sol. Bowen, Stafford. Fiat, June 5. Bankrupt's own petition.

CERTIFICATES to be allowed July 6.

Chatterton Joseph, of Manchester, coach-builder.
Coxwell George Samuel, of Newcastle, merchant, (partner with William Croser).
Gent Charles, of Bread-street, commission-merchant, (partner with George Millar).
Gillon John, jun., of Liverpool, agent.
Hall Isaac, of Saddleworth, machine-maker.
Hirst George, of Halifax, woolstapler.
Mitchell William, of Westerham, draper.
Price John Jones, of Builth, tanner.
Sloane Michael, of Bath, horse-dealer.

DIVIDENDS.

Date of Fiat.

1844, **BATES** William Henry, of Birmingham, Warwickshire, factor; final div.

1810, **BLACKETT** William Wilks, Richard Thackray, and Robert Tennant, of Manchester, Lancashire, cloth and linen merchants, lately carrying on business together; sep div. of Tennant.

1846, **CROW** Robert, of Newcastle-upon-Tyne, draper; final div.

1816, **DEVERILL** Henry, of Stoke-upon-Trent, Staffordshire, and also of Congleton, Cheshire, corn-factor; div.

1817, **HELIWELL** Thomas, of Halifax, Yorkshire, stock and share broker and auctioneer; div.

Date of Fiat.

1847, **HODGKINS** Henry, of Birmingham, Warwickshire, shoemaker; div.

1846, **LEAMAN** Andrew Valentine, and William Andrew, late of John-street, Tottenham-court-road, and afterwards of No. 110, Fenchurch-street, London, wholesale mahogany, rosewood and deal merchants; divs.

1847, **ODGEN** James, of Reddish, Lancashire, cotton-spinner; first div.

1846, **NELSON** Sidney, of No. 28, New Bond-street, Middlesex, music-seller; div.

1844, **PURT** George, of No. 78, Upper Thames-street, London, ale and porter merchant; div.

1803, **RUSSELL** George, of Birmingham, Warwickshire, merchant; div.

1847, **SMITH** William, of Uttoxeter, Staffordshire, mercer, draper, and letter-press printer; div.

Gazette, Friday, June 13.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BROWNE John Dallison, of Wood-street, Walthamstow, in the county of Essex, surgeon and apothecary, &c.—Official assignee, Bell.—Sols. Badham & Co. Verulam-buildings. Fiat, June 15. Bankrupt's own petition.

BROWN Robert MacDowall, of Sheffield, in the county of York, merchant.—Official assignee, Freeman.—Sols. Tattershall & Co. Great James-street, and Hoole & Co. Sheffield. Fiat, June 9. Bankrupt's own petition.

COX Richard, of Chalford, in the county of Gloucester, stone-mason and builder.—Official assignee, Hutton.—Sols. Brisley, Pancras-lane, and Paris, Stroud. Fiat, June 9. Bankrupt's own petition.

FOAN Henry, of Middle-street, in the town of Yeovil, in the county of Somerset, glove-manufacturer and general shopkeeper.—Official assignee, Hernaman.—Sols. Hancock, Yeovil, Stogdon, Exeter, and Gregory & Co. Bedford-row. Fiat, June 8. Pet. Crs. Herbert Buler Batten and John Batten, of Yeovil, bankers.

HALL Joseph, of the Broadway, in the city of Westminster, in the county of Middlesex, currier and leather-seller, leather-cutter, &c.—Official assignee, Johnson.—Sol. Hudson, Bucklersbury. Fiat, June 16. Bankrupt's own petition.

HUNTER Thomas, of Bishopwearmouth, in the county of Durham, grocer.—Official assignee, Wakley.—Sols. Hill & Matthews, Bury-court, and Hoyle, Newcastle. Fiat, June 4. Pet. Crs. Thomas Conway, John Phelps, and Thomas Hayward, of Maiden-lane, Cheapside, wholesale grocers.

MAUDE Edmund, William Henry Jones, George Maude, and William Aspdin, of Northfleet, in the county of Kent, Portland cement manufacturers and copartners in trade, trading under the firm of Maude, Jones & Aspdin.—Official assignee, Belcher.—Sols. Lawrence & Pews, Old Jewry Chambers. Fiat, June 8. Pet. Cr. Frederick Wiggins, of Little Bridge-street, Blackfriars, horse-contractor.

ROBINSON Alfred Gerard, residing at Rothley, in the county of Leicester, and carrying on business at Leicester, in the said county, as a woolstapler.—Official assignee, Bittleston.—Sols. Harris & Luck, Leicester, and Bowley, Nottingham. Fiat, June 5. Pet. Cr. James Jaques, of Leicester, woolstapler.

THORNE William, of Crawley-street, in the parish of Saint Pancras, in the county of Middlesex, linen-draper, &c.—Official assignee, Johnson.—Sols. Jones, Siae-lane. Fiat, June 16. Pet. Crs. William Smith, William Leaf, James Colea, Michael Brankstone, and William Ledler Leaf, of Old Charden, warehousemen.

WARDEN Waples, otherwise Waples Can Warden, of Birmingham, in the county of Warwick, corn-agent and corn-dealer, boot and shoe dealer, &c.—Official assignee, Whitmore.—Sols. Weller, King's-road, Pell, Welford, and Ryland, Birmingham. Fiat, May 29. Pet. Cr. John Woodston, of Wellingborough, corn-merchant.

WILLIAMS Francis, of Harrisehead, in the parish of Woolstanton, in the county of Stafford, grocer and provision-dealer.—Official assignee, Valpy.—Sols. Cooper, Congleton, and Smith, Birmingham. Fiat, June 14. Bankrupt's own petition.

YOUNG Frederic, of No. 10, Basinghall-street, in the city of London, and of No. 3, Peter-street, Hackney-road, in the county of Middlesex, woollen-warehouseman.—Official assignee, Pennell.—Sol. Chamberlayne, Great James-street. Fiat, June 16. Bankrupt's own petition.

CERTIFICATES to be allowed July 9.

Beal Thomas Harris, of Wingham, grocer.
Clark Edward, of Mortimer-road, builder.
Edmonstone Charles, of Over Darwen, paper-manufacturer.
Hes Charles, of Bristol, grocer and baker.
Symes John David, of Axminster, corn-dealer.
Townley William, of Blackburn, cotton-manufacturer.
Vaughan John Mintorn, of Bristol, builder.

DIVIDENDS.

Date of Fiat.

- 1839, **ASHLEY** James, and Joshua Jones Ashley, who carry on business at No. 135, Regent-street, Westminster, as bankers and army-agents, under the style and firm of Ashley & Son; final joint div., and sep. div. of James Ashley.
- 1845, **BROWN** John, of No. 56, Great Queen-street, Lincoln's Inn-fields, Middlesex, carver and gilder; final div.
- 1846, **CLARK** Benjamin, of Kingston-upon-Thames, Surrey, export ale and porter merchant; final div.
- 1847, **COWPER** William Frederick, Benjamin Farrer Cowper, and Paul Edwin Cowper, of Darlington, Durham, linen-draper; fur. joint div.
- 1844, **COX** James, of Norwich, cabinet-maker and upholsterer; div.
- 1845, **HUTCHINSON** Robert, of No. 4, Jewry-street, Aldgate, London, leather-seller and leather-merchant; div.
- 1847, **JOYCE** James, of Warwick-lane, London, corn-dealer and wagon-office keeper; div.
- 1841, **LUCY** John, the younger, of Liverpool, Lancashire, tailor and draper; div.
- 1839, **MARTIN** John, of Tonbridge Wells, Kent, builder; fin. div.
- 1843, **PANTON** Hugh, Thomas William Panton, George Forster, and John Wilberforce Morley, all of Sunderland, Durham, iron-manufacturers, trading under the style or firm of the Wear Iron Company; final joint div. of all, and joint div. of Panton & Panton.
- 1847, **PICKSTONE** Ralph, late of Pinmill Brow, in Ardwick, Manchester, Lancashire, but now of Moss-lane, in Hulme, Manchester, grocer and provision-dealer; div.
- 1846, **STAFFORD** Richard, of No. 1, Warnford-court, London, share-agent; div.
- 1845, **WATT** George, of No. 8, Old Jewry, London, linen and cotton-factor, trading under the firm of George Watt & Co.; final div.

Gazette, Tuesday, June 22.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ADDISON John Christopher, of Margaret-street, Cavendish-square, in the county of Middlesex, grocer and wholesale tea-dealer.—Official assignee, Cannan.—Sol. Dods, St. Martin's-lane. Fiat, June 21. Richard Caudell, of Purfleet Wharf, Earl-street, Blackfriars, coal-merchant.

ASHLEY Henry, of No. 67, Fleet-street, in the city of London, and of No. 30, Little Carter-lane, Doctors' Commons, also in the city of London, carrier, *d. c.*—Official assignee, Graham.—Sols. Weir & Smith, Coopers' Hall. Fiat, June 19. Pet. Cr. John Hott Matthias, of High-street, Shoreditch, corn-merchant.

BAKER George, of No. 37, Ludgate-hill, in the city of London, grocer.—Official assignee, Edwards.—Sols. Rolfe & Edmunds, Gray's Inn. Fiat, June 22. Pet. Cr. George Baker, of Nos. 3 & 4, Ludgate-hill, linen-draper.

BRECKNELL Henry Byerley, of No. 184, Oxford-street, in the county of Middlesex, draper, *d. c.*—Official assignee, Pennell.—Sols. Mardon & Prichard, Newgate-street. Fiat, June 15. Pet. Crs. Burnard Smith, Joseph Smith, and William Stephens, of St. Martin's-le-Grand, warehousemen.

COWELL Joshua, of High-street, Peckham, in the county of Surrey, boot and shoe dealer.—Official assignee, Whitmore.—Sols. Hill & Matthews, St. Mary Axe. Fiat, June 21. Pet. Cr. Joseph Allwath Pash, of Cornbury-place, Old Kent-road, shoe-manufacturer.

FREEMAN Charles, and Osborn Freeman, of Small's Mill, in the parish of Painswick, in the county of Gloucester, clothiers and co-partners.—Official assignee, Hutton.—Sols. Brisley, Pancras-lane, and Paris, Stroud. Fiat, June 18. Bankrupt's own petition.

GARNER George, of No. 1, Noble-street, Post Office, in the city of London, commission-agent and warehouseman.—Official assignee, Belcher.—Sols. Watson & Co. Falcon-square. Fiat, June 21. Bankrupt's own petition.

GREENWOOD Sarah, of Bradford, in the county of York, book-seller, stationer, and dealer in toys, *d. c.*—Official assignee, Hope.—Sols. Jones & Co. John-street, and Harle & Clarke, Leeds. Fiat, June 12. Bankrupt's own petition.

LOVEGROVE Thomas, of Pangbourne, in the county of Berks, plumber, painter and glazier, trader, *d. c.*—Official assignee, Edwards.—Sol. Taylor, Guildhall Chambers. Fiat, June 17. Bankrupt's own petition.

MATHEW James, of Carshalton, in the county of Surrey, linen-draper and undertaker.—Official assignee, Groom.—Sol. Russell, Martin's-lane, Cannon-street. Fiat, June 18. Bankrupt's own petition.

MORSE Joseph, of Neithorpe, in the parish of Banbury, in the county of Oxford, woolstapler, *d. c.*—Official assignee, Green.—Sols. Messrs. Applin, Furnival's Inn, and Banbury, Oxon. Fiat, June 12. Pet. Crs. Jonathan Gillett, Joseph Ashby Gillett, and Arthur Robert Tauney, of Banbury, bankers.

ROGERS Charles, of Southsea, in the county of Hants, grocer.—Official assignee, Cannan.—Sol. Curtis, Basinghall-street. Fiat, June 8. Pet. Cr. Thomas William Hawes, of Old Berge House, Lambeth, soap-maker.

STONE William, of the parish of Matlock, in the county of Derby, builder, *d. c.*—Official assignee, Bittleston.—Sol. Bradshaw, Nottingham. Fiat, June 14. Bankrupt's own petition.

TABURN Henry, of Queen's Head-yard, in the parish of Saint Saviour's, Southwark, in the county of Surrey, hop and seed merchant.—Official assignee, Green.—Sols. Peace & Jones, Tooley-street. Fiat, June 17. Pet. Cr. Thomas Frid, of the King's Head, Borough, hop-merchant.

THOMAS James, of Westgate-street, in the city of Gloucester, inn-keeper.—Official assignee, Miller.—Sol. Smallbridge, Gloucester. Fiat, June 15. Pet. Cr. James Daniel Wheeler, of Gloucester, wine-merchant.

WILSON Andrew, of Peckham Lodge, Peckham, and of No. 1, West-square, Southwark, both in the county of Surrey, builder, chemist and druggist, *d. c.*—Official assignee, Whitmore.—Sols. Lawrence & Reed, Cheapside. Fiat, June 10. Pet. Cr. George Mogens, of No. 142, Cheapside, merchant.

CERTIFICATES to be allowed July 13.

Burdett John Peach, of Uttoxeter, grocer.
Dalton John, of Wandsworth, grocer.
Garratt John, of Copenhagen House, Islington, victualler.
Lovatt William Henry, of Wolverhampton, factor.
McKim Robert, of Bombay, merchant.

Date of Fiat.

DIVIDENDS.

1846, **BARTON** George, and John Barton, both of Manchester, Lancashire, copper-roller manufacturers, carrying on business under the firm of M. Barton & Co., the said John Barton lately carrying on business as a calico-printer, with William Nelson Wilson; fur. joint div.

1841, **BUCKLEY** John, Joseph Buckley, and Henry Buckley, of Manchester, Lancashire, and of Todmorden, said county, cotton and worsted manufacturers; final joint div., and sep. div. of John Buckley.

Date of Fiat.

- 1847, EARLE Nathaniel John, carrying on business as a grocer in Falmouth, Cornwall; div.
- 1846, EDMONSTONE Charles, of Over Darwen, Lancashire, paper manufacturer, bleacher, finisher and coal-dealer; div.
- 1845, GIBSON Henry George, of Newcastle-upon-Tyne, chemist and druggist; final div.
- 1845, JONES Benjamin, of No. 24, City-road, Middlesex, grocer; fur. div.
- 1842, LOOSEMORE Robert, of Tiverton, Devonshire, scrivener; div.
- 1846, PIDWELL Joseph, of Market-street, Falmouth, Cornwall, general furnishing ironmonger; div.
- 1847, SWORD Robert, of Newcastle-upon-Tyne, draper; div.
- 1837, YOEUELL William, of Cranbrook, Kent, brewer, trading under the firm of Yoeuell & Co., surviving partner of James Yoeuell, deceased; fur. div.

Gazette, Friday, June 25.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BONNEY William Wolfe, and Thomas Frederick Beales, of No. 2, William-street, Knightsbridge, in the county of Middlesex, wine-merchants, *d. c.* and copartners.—Official assignee, Pennell.—Sols. Goddard & Co. Wood-street. Fiat, June 24. Pet. Cr. John Jones, of No. 4, Knightsbridge-terrace, wine-merchant.
- CONEY James, of No. 23, Holderness Wharf, Harrow-road, in the county of Middlesex, mason and stone-merchant.—Official assignee, Groom.—Sol. Hook, Coleman-street. Fiat, June 23. Bankrupt's own petition.
- FLETCHER George Withers, late of Eling, in the town and county of Southampton, and now of the Saw Mills, Long-lane, Bermondsey, and of Clapham-common, in the county of Surrey, timber, corn and coal merchant, *d. c.*, a prisoner for debt in the custody of the sheriff of Surrey.—Official assignee, Turquand.—Sol. Bird, Great James-street. Fiat, June 19. Bankrupt's own petition.
- GARNER Joseph, of Dudley-hill, Bowling, near Bradford, in the county of York, worsted-spinner and stuff-manufacturer.—Official assignee, Hope.—Sols. Watson, Falcon-square, and Barr & Co. Leeds. Fiat, June 19. Bankrupt's own petition.
- GOODMAN David, of Cooper-street and Market-street, both in Manchester, in the county of Lancaster, tobacconist, trading under the name, style or firm of Goodman & Company.—Official assignee, Pott.—Sols. Messrs. Cole, Adelphi-terrace, and Cohen de Lara, Manchester. Fiat, June 9. Pet. Crs. Jacob Nathaniel Barlin and David Barlin, of St. John-street, tobacco-manufacturers.
- HAMILTON Charles James, of No. 21, High-street, Islington, in the county of Middlesex, bookseller, *d. c.*—Official assignee, Johnson.—Sols. Roche & Co. Covent-garden. Fiat, June 19. Pet. Cr. George Henry Bohn, of York-street, Covent-garden, bookseller.
- HARTUP Samuel, of Neithrop, in the parish of Banbury, in the county of Oxford, carpenter and builder.—Official assignee, Follett. Sols. Messrs. Aplin, Furnival's Inn and Banbury.
- HORAN Michael, of Bolton, in the county of Lancaster, grocer and provision dealer, *d. c.*—Official assignee, Fraser.—Sols. Cornthwaite & Adams, Old Jewry Chambers, and Pemberton, Liverpool. Fiat, June 16. Pet. Cr. Richard Derbyshire, of Liverpool, merchant.
- JERREMS William, the younger, of Gainsborough, in the county of Lincoln, grocer, tea-dealer, provision-dealer, *d. c.*—Official assignee, Hope.—Sols. Scott & Co. Lincoln's Inn-fields, and Plaskitt, Gainsborough. Fiat, June 21. Bankrupt's own petition.
- JOHNSON Robert, the younger, of Pakenfield, in the county of Suffolk, grocer, draper, *d. c.*—Official assignee, Follett.—Sols. Gregory & Co. Bedford-row, and Norton & Co. Lowestoft. Fiat, June 12. Pet. Cr. Robert Johnson, sen., of Boyton, Suffolk, farmer.
- LEATHER William, of No. 91, London-wall, in the city of London, warehouseman.—Official assignee, Green.—Sol. Huson, Ironmonger-lane. Fiat, June 24. Pet. Crs. Rittson Southall, and John Ponsford, of King-street, Cheapside, woollen and stuff merchants.

7. BANKR.—1847.

MARSHALL Lancelot, of Northallerton, in the county of York, grocer, *d. c.*—Official assignee, Young.—Sols. Williamson & Co. Great James-street, Cootes, Northallerton, and Markland, Leeds. Fiat, June 18. Pet. Cr. Thomas Coates, of Northallerton, solicitor.

M'KUNE Hugh, of Liverpool, in the county of Lancaster, slater and plasterer.—Official assignee, Cazenove.—Sols. Gregory & Co. Bedford-row, and Watson & Webster, Liverpool. Fiat, June 19. Bankrupt's own petition.

MEASFIELD John, of Great Charlotte-street, Liverpool, in the county of Lancaster, hotel-keeper, *d. c.*—Official assignee, Morgan.—Sols. Tritton & Co. Southampton-buildings, and Smith, Liverpool. Fiat, June 17. Bankrupt's own petition.

SMITH Thomas, of Manningham, in the parish of Bradford, in the county of York, joiner and carpenter, *d. c.*—Official assignee, Hope.—Sols. Taylor & Co. Nicholas-lane, Bentley & Co. Bradford, and Bood & Barwick, Leeds. Fiat, June 14. Pet. Cr. James Rhodes, of Bradford, timber-merchant.

SUTCLIFFE William, and William Leach, of Bowling, in the parish of Bradford, in the county of York, worsted-stuff manufacturers, *d. c.*—Official assignee, Hope.—Sols. Sudlow & Co. Chancery-lane, and Lee, Leeds. Fiat, June 10. Pet. Cr. Benjamin Thornton, of Birstal, wool-merchant.

TILEY Thomas, of Dursley, in the county of Gloucester, veterinary surgeon, *d. c.*—Official assignee, Acraman.—Sols. Bishop & Wells, Dursley. Fiat, June 19. Bankrupt's own petition.

TUNSTALL Alfred, and John Walker Cash, of the city of Bristol, oil-merchants, *d. c.* and copartners in trade.—Official assignee, Acraman.—Sols. Wild & Co. College-hill. Fiat, June 11. Pet. Cr. Robert Bell, of Bishopsgate-street Within, on behalf of the National Provincial Bank of England.

WATSON Joseph, of Southill Hall, in the parish of Dewsbury, in the county of York, farmer, fellmonger and leather-dresser, *d. c.*—Official assignee, Hope.—Sols. Brodribb, Child's-place, Temple-bar, and Scholes, Dewsbury. Fiat, June 22. Pet. Cr. Richard Horsfall, of Dewsbury, farmer and leather-dresser.

WATSON Denis, of Clitheroe, in the county of Lancaster, innkeeper and grocer, *d. c.*—Official assignee, Pott.—Sols. Spinks, Great James-street, and Cobbett, Manchester. Fiat, June 21. Bankrupt's own petition.

CERTIFICATES to be allowed July 16.

- Brown Samuel, of Trowbridge, woollen-cloth manufacturer.
- Croser William, of Newcastle, ship-broker, (partner with George Samuel Coxwell).
- Hodgkins Henry, of Birmingham, shoe-maker.
- Inglis Alexander, of Portsea, draper.
- Johnson James, of High-street, Bloomsbury, bookseller.
- Musgrove Richard, of Birmingham, woollen-draper.
- Parker Richard, of the Old Bailey, carrier.
- Smith William, of Uttoxeter, mercer.
- Staines John Collins, of Oundle, tailor.

DIVIDENDS.

Date of Fiat.

- 1845, BOWLES George, and Joseph Pain Pocklington, of No. 20, Newgate-street, London, and of Grafton Cottage, Hornsey-road, Middlesex, carrying on business at No. 20, Newgate-street, as meat-salesmen and butter-salesmen; fur. joint div.
- 1847, BURNETT James, of Sunderland, Durham, hostier; first div.
- 1846, CARNE Charles Frederick and Maurice Telo, of Liverpool, Lancashire, merchants; div.
- 1846, DUNNINGTON Henry, of Nottingham, glove-manufacturer; div.
- 1847, JONES Henry, of No. 14, Grosvenor-row, Pimlico, and of Smith-street, King's-road, Chelsea, Middlesex, oil and colourman; div.
- 1846, MILLINGTON Thomas, of Nottingham, sail-manufacturer; final div.
- 1840, MARTIN John, of King-street, Cheapside, London, woollen warehouseman; final div.
- , PRESTON Elizabeth, of Nottingham, commission-agent and lace-maker; div.
- 1842, RATE John, of Eastgate, in Bourne, Lincolnshire, fellmonger; final div.
- 1846, RAWLINSON John, of Spalding, Lincolnshire, tailor and draper; final div.

Date of Fiat.

- , SMELT Anthony, of Melton Mowbray, Leicestershire, linen and woollen draper; final div.
- 1845, SMITH Dyer Berry, of Liverpool, Lancashire, merchant, carrying on business with Kenneth M'Leod, under the style or firm of Smith, M'Leod & Co.; final div.
- 1844, WALKER John, and Charles White, of No. 3, Jewry-street, Aldgate, London, builders; div. of White.
- 1846, WILKINSON John, of Stockton-upon-Tees, Durham, wharfinger and ship-owner; fur. div.

Gazette, Tuesday, June 29.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

- STOCKDALE Thomas, and John Stockdale, of Liverpool, soap-boilers.

TOWN AND COUNTRY FIATS.

- BRETNALL Edward, late of Crane-court, Fleet-street, in the city of London, bookseller, and now of No. 1, Wilmot-place, Camden-town, in the county of Middlesex.—Official assignee, Green.—Sols. Roach & Co. Upper Wellington-street. Fiat, June 28. Pet. Cr. Edward Healey, of Paternoster-row, printer.
- COX Henry Scott, of Manchester, in the county of Lancaster, linen-merchant, *d. c.*—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Pollard, Manchester. Fiat, June 23. Bankrupt's own petition.
- HOWLETT William, of No. 200, Albany-road, Old Kent-road, in the county of Surrey, builder, *d. c.*—Official assignee, Whitmore.—Sol. Silvester, Great Dover-street. Fiat, June 23. Bankrupt's own petition.
- KAY William, William Mortimer, and Edward Fletcher, all of Bury, in the county of Lancaster, brass and iron founders, engineers and millwrights, *d. c.*—Official assignee, Hobson.—Sols. Appleby, Harpur-street, and Grundy, Bury. Fiat, June 21. Bankrupts' own petition.
- PEARCE John James, of Kenton, in the county of Devon, baker and grocer.—Official assignee, Hirtzel.—Sols. Force, Exeter, and Harris, Lincoln's Inn. Fiat, June 25. Pet. Cr. William White Tarr, of Dawlish, miller.
- TOWNSEND Isaac, of Sheerness, in the county of Kent, ironmonger, *d. c.*—Official assignee, Follett.—Sols. Collins & Rigby, Crescent-place, Bridge-street. Fiat, June 25. Bankrupt's own petition.
- TREACHER William Higginbottom, of No. 57, Regent-street, Quadrant, in the county of Middlesex, furrier and milliner, *d. c.*—Official assignee, Follett.—Sols. Van Sandau & Cummin, King-street. Fiat, June 22. Pet. Crs. Richard Willey and Walter Gray Shuttleworth, of Ludgate-hill, haberdashers.
- WALMSLEY John, of Liverpool, in the county of Lancaster, licensed victualler.—Official assignee, Turner.—Sols. Maples & Co. Frederick's-place, and Greene, Liverpool.
- YEMMS John, of the city of Gloucester, plumber, glazier and straw and Tuscan bonnet manufacturer, *d. c.*, and of Ross, in the county of Hereford, straw and Tuscan bonnet manufacturer, *d. c.*—Official assignee, Miller.—Sol. Wilkes, Gloucester. Fiat, June 22. Bankrupt's own petition.

CERTIFICATES to be allowed July 20.

- Champness Francis, of Bishop's-road, Paddington, linen-draper.
- Cownden Charles, of Fore-street, Lambeth, boat-builder.
- Duncan James, of Liverpool, merchant.
- Dunnicliff John Dearman, of Nottingham, lace-manufacturer.
- Farrar Joseph, and John Farrar, of Halifax, woolstaplers.
- M'Donnell Michael, of Liverpool, ship-broker.
- Russel Jabez, jun., of Whitelesea, builder.
- Satchell Richard, jun., of Winsley-street, Oxford-street, and Hyde, cowkeeper, (partner with Richard Satchell, sen.)
- Slattery Thomas, of Liverpool, corn-broker.
- Sivill Thomas, of Liverpool, publican.

DIVIDEND.

Date of Fiat.

- 1847, STREVS Edmund, of Brighton, victualler; div.

Gazette, Friday, July 2.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ALLEN Henry, of Birmingham, in the county of Warwick, draper, *d. c.* trading under the style of Henry Allen & Company.—Official assignee, Whitmore.—Sols. Reed & Co. Friday-street, Sale & Co. Manchester, and Mottram & Knowles, Birmingham. Fiat, June 19. Pet. Cr. Thomas Smith, of Manchester, linen-merchant.
- BECK Edward, of Ipswich, in the county of Suffolk, doctor of medicine, ship-owner, wharfinger, *d. c.*—Official assignee, Graham.—Sols. Sharpe & Co. Bedford-row, and Nurett, Ipswich. Fiat, June 19. Pet. Cr. Charles Chambers Hammond, of Ipswich, gent.
- BOYD Isaac, and Richard Harmer, of No. 20, Spital-square, in the county of Middlesex, silk-manufacturers and copartners.—Official assignee, Groom.—Sols. Crowder & Maynard, Coleman-street. Fiat, June 26. Pet. Crs. John Coxhead, James Fordari, and Yeats Henry Goldsmid, of Threadneedle-street, merchants.
- COSWAY George, of Tiverton, in the county of Devon, woolstapler, cloth-manufacturer, *d. c.*, trading under the style or firm of George Cosway & Co.—Official assignee, Hirtzel.—Sols. Dommett & Canning, Chard, and Turner, Exeter. Fiat, June 18. Pet. Cr. Benjamin Chaffey, of Thorncombe, Dorsetshire, woolstapler.
- COULSON Richard Carkeet, now or late of No. 29, North-street, in the city of Exeter, grocer and tea-dealer, as a trader with Mary Ann Bodley his wife (formerly called Mary Ann Bodley Frost).—Official assignee, Hernaman.—Sols. Laidman, Exeter, and Clowes & Co. Temple. Fiat, June 25. Pet. Cr. Samuel Davies, of Exeter, wholesale tea-dealer.
- CURTIS John Thomas, of the county of Norwich, and city of the same, grocer, *d. c.*—Official assignee, Belcher.—Sols. Thompson & Debenham, Salters' Hall. Fiat, June 22. Pet. Crs. James Kenner, Nathaniel Fenn, and Ford Fenn, of Botolph-lane, grocers.
- ENGLAND John, of Southgate-street, in the city of Bath, grocer, *d. c.*—Official assignee, Hutton.—Sols. Stevens & Co. Gray's Inn, and Perkins, Bristol. Fiat, June 28. Bankrupt's own petition.
- HUGHES James, of Toxteth Park, in the borough of Liverpool, in the county of Lancaster, joiner and builder, and brick-maker, *d. c.*—Official assignee, Morgan.—Sols. Milne & Co. Temple, and Hore, Liverpool. Fiat, June 28. Bankrupt's own petition.
- NICOL Robert, of No. 18, Fenchurch-street, in the city of London, grocer and tea-dealer, using the name of R. Nicol & Co.—Official assignee, Belcher.—Sol. Bower, Tokenhouse-yard. Fiat, June 30. Pet. Cr. Charles Morrice Hullah, of Wapping, biscuit-baker.
- SIMMONDS Henry, late of Parliament-street, in the county of Middlesex, but now of Gresham Rooms, Basinghall-street, in the city of London, law-stationer, railway-agent, *d. c.*—Official assignee, Pennell.—Sol. James, Basinghall-street. Fiat, June 26. Pet. Cr. John Rowe Scott, of Gresham Rooms, Basinghall-street.
- TAYLOR George Stephen, of Whitstable, in the county of Kent, saddler, *d. c.*—Official assignee, Whitmore.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, June 30. Bankrupt's own petition.
- WEBB Alexander, of Wakefield, in the county of York, seed-merchant, *d. c.*—Official assignee, Young.—Sols. Scott & Co. Lincoln's Inn-fields, and Taylor & Westmoreland, Wakefield. Fiat, June 26. Bankrupt's own petition.
- WRIGHT William, of Holland-road, Brixton, in the county of Surrey, builder.—Official assignee, Cannan.—Sol. Hall, Moorgate-street. Fiat, June 29. Pet. Cr. Joseph Hall, of Moorgate-street, gent.

CERTIFICATES to be allowed July 23.

- Ablett William Henry, and Frederick John Ablett, of High Holborn, drapers.
- Dickinson Robert, of Poulton in the Fylde, maltster.
- Johnson Matthew, of Leeds, spindle-maker.
- Langmead John Davey, of Judd-street, draper.
- Nortcliffe James, of Halifax, dyer, (partner with Thomas Hellowell and John Beaumont Hellowell).
- Soflaw Joseph, of London-bridge, wine-merchant.
- Steele George, of Durham, grocer.
- White William, of Morpeth-street, Bethnal-green, builder.

DIVIDENDS.

Date of Fiat.

- 1846, ASHDOWN William, of Chatham, Kent, ironmonger; div.
- 1846, BARKER William Isaac, of Sunderland, Durham, auctioneer, stock and share broker and commission-agent; first div.
- 1828, BLACKBURN Richard, of Cleckheaton, Yorkshire, printer and innkeeper; div.
- 1847, BOURQUIN Francis Henry, of Northampton-square, Clerkenwell, Middlesex, watch-manufacturer and importer; div.
- 1846, BURGESS George, of Ramsgate, Kent, coach-maker; div.
- 1844, DOTESIO Charles, of Slough, Buckinghamshire, hotel-keeper; div.
- 1844, EDWARDS Robert, of Aberdovey, Merionethshire, draper and grocer; div.
- 1840, FORD Richard, late of Shrewsbury, Staffordshire, but now of Stafford, scrivener; div.
- 1846, HOLMES Francis, and James Holmes, both of Southtown, Suffolk, traders, carrying on business as ship-builders; joint div.
- 1845, MANDENO John, of Grove-street, Hackney, Middlesex, market-gardener; div.
- 1841, PRATTMAN William Luke, of Butterknowle Lodge, Durham, and Michael Forster, of Copley, same county, timber-merchants; div. of Prattman.
- 1845, RATNETT Thomas, of Cambridge, tailor and robe maker; div.
- 1846, REID James, of Newcastle-upon-Tyne, ship-broker, carrying on the business of a ship-broker there, under the style or firm of James and Andrew Reid; fur. div.
- 1847, SARGINSON William, and Matthew Rigby, both of Bury, Lancashire, joiners and builders; joint div.
- 1846, TATTERSALL Henry, of the Globe Brewery, New Wharf-road, Battlebridge, Middlesex, common brewer, carrying on business as a coach-maker at Cardington-street, Hampstead-road, Middlesex; div.
- 1847, THOMAS Herbert, of Carmarthen, linen-draper; div.

Gazette, Tuesday, July 6.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

- ARTHUR Richard, of Aylesbury, grocer.
- SLATER Samuel Beardsley, of Nottingham, wine-merchant.

TOWN AND COUNTRY FIATS.

- ANDREW Edward, of Lloyd-street, in Manchester, in the county of Lancaster, fustian-manufacturer.—Official assignee, Pott.—Sols. Abbott, Charlotte-street, Bedford-square, and Slater, Manchester. Fiat, July 2. Bankrupt's own petition.
- BATESON John, of Leeds, in the county of York, joiner, and John Holmes, of the same place, mason, copartners in trade, *d. c.*—Official assignee, Hope.—Sols. Strangway, Barnard's Inn, and Robinson, Leeds. Fiat, June 15. Pet. Cr. William Greenwood, of Huddersfield, timber-merchant, trading as James William Greenwood.
- COX Charles, of Salford, in the county of Lancaster, wine and spirit dealer, *d. c.*—Official assignee, Fraser.—Sols. Gregory & Co. Bedford-row, and Morris, Manchester. Fiat, June 30. Bankrupt's own petition.
- DAVIES William, of Liverpool, in the county of Lancaster, blacksmith, *d. c.*—Official assignee, Bird.—Sols. Keightley & Co. Chancery-lane, and Woodburn, Liverpool. Fiat, June 30. Bankrupt's own petition.
- EVANS Griffith, of Maes y pandy, in the parish of Tallyllin, in the county of Merioneth, cattle-dealer, miller, *d. c.*—Official assignee, Turner.—Sols. Sweeting & Co. Southampton-buildings, and Jones, Dolgelly. Fiat, July 1. Pet. Cr. John Jones, of Dolgelly, farmer.
- HALL John, of Hotwell-road, in the city of Bristol, mason, *d. c.*—Official assignee, Miller.—Sols. Brackenridge & Co. Bartlett's-buildings, and Hinton, Bristol. Fiat, June 30. Bankrupt's own petition.

HENSHAW William, and Thomas Kemp, of Tranmere, in the county of Chester, joiners and builders.—Official assignee, Caze-nove.—Sols. Chester & Co. Staple Inn, and Avison & Co. Liverpool. Fiat, June 30. Bankrupts' own petition.

HUTCHINS Thomas, of Hulme, in the borough of Manchester, in the county of Lancaster, coach-proprietor, livery-stable keeper, *d. c.*—Official assignee, Hobson.—Sols. Chester & Co. Staple Inn, and Wilson, Manchester. Fiat, July 2. Bankrupt's own petition.

MAY Thomas Henry, of No. 27, Little Britain, in the city of London, baker and flour-factor, *d. c.*—Official assignee, Edwards.—Sol. May, Princes-street, Spitalfields. Fiat, June 29. Bankrupt's own petition.

SMITH Samuel, and William Smith, both of Warley, in the parish of Halifax, in the county of York, worsted-spinners, *d. c.* and co-partners in trade.—Official assignee, Young.—Sols. Jacques & Edwards, Ely-place, Stocks & Macaulay, Halifax, and Courtenay, Leeds. Fiat, June 14. Pet. Cr. John Greenwood, of Halifax, fustian-manufacturer.

STEVENS Ellis, now or late of No. 8, Russell Cottages, Loughborough-road, North Brixton, builder.—Official assignee, Pennell.—Sol. Hughes, Chapel-street, Bedford-row. Fiat, June 29. Pet. Crs. George Locke and Thomas Nesham, of No. 68, Theobald's-road, builders.

CERTIFICATES to be allowed July 27.

Bretherick James, of Newlay, dyer.

Hone William, of Reading, coach-proprietor.

James Thomas Jones, of Chalford, corn-dealer.

DIVIDENDS.

Date of Fiat.

- 1847, BOURDON Jacques Louis, and Peter Joseph Meugens, of Finch-street, Whitechapel, Middlesex, sugar-refiners; div.
- 1847, CARTWRIGHT John, residing at Shrewsbury, Salop, iron-founder; div.
- 1847, CLARKE John, of Portwood within Brinnington, in Stockport, Cheshire, machine maker; first div.
- 1846, HULSE Richard, of No. 14, Little Tower-street, London, chemist and druggist; div.
- 1843, HUTCHINSON Thomas, of the Dover-road, Surrey, linen-draper, then or since of No. 26, Upper Stamford-street, Blackfriars-road, same county, carrying on business at No. 159, Old Gravel-lane, Wapping, Middlesex, as a sugar-refiner and capillaire manufacturer; div.
- 1847, LEES Robert, of Bottoms, near Mossley, Lancashire, cotton-spinner; div.
- 1847, OAKES Thomas, of Walsall, Staffordshire, wine and spirit dealer; div.
- 1846, PATTIE David, of No. 10, St. Alban's-place, Edgware-road, Middlesex, stationer; div.
- 1845, ROBINSON Benjamin, of Burton-upon-Trent, Staffordshire, draper; final div.
- 1847, SHUKER William, of the Saracen's Head Inn, in the Blue Boar-row, Salisbury, Wiltshire, licensed victualler; div.
- 1847, SMITH Thomas, of Manchester, Lancashire, commission-agent; div.
- 1847, WATKINS John, of the public-house called the Three Goats' Heads, Wandsworth-road, Surrey, licensed victualler; div.
- 1847, WILKS James Longmore, of Worcester, tailor and draper; div.

Gazette, Friday, July 9.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ARNETT William, of Horley, in the county of Oxford, innkeeper and butcher.—Official assignee, Whitmore.—Sols. Messrs. Sharp & Co. Gray's Inn, and Francillon, Banbury. Fiat, July 7. Bankrupt's own petition.
- BERRY Thomas William, formerly of Manchester, in the county of Lancaster, hat-manufacturer, but now of Houghton Green, in the parish of Manchester aforesaid, agent.—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Potter, Manchester. Fiat, July 5. Bankrupt's own petition.

BROWN Samuel, of the borough of Sunderland, in the county of Durham, common brewer, maltster, *d. c.*—Official assignee, Baker.—Sols. Ranson, Sunderland, and Dixon, New Boswell-court. Fiat, July 1. Bankrupt's own petition.

COOKE William Bromley, of Repton-road, in the township of Winshill, in that part of the parish of Burton-upon-Trent which lies in the county of Derby, tape and small-ware manufacturer, *d. c.*—Official assignee, Whitmore.—Sols. Richardson & Co. Burton-upon-Trent, and Braikenridge, Bartlett's-buildings. Fiat, July 6. Bankrupt's own petition.

COOKE Mark, and **William Henry Cooke**, both of Denton, in the county of Lancaster, hat-manufacturers, *d. c.* and copartners in trade.—Official assignee, Fraser.—Sols. Clarke & Co. Lincoln's Inn-fields, and Brooks, Ashton-under-Lyne. Fiat, July 3. Bankrupts' own petition.

CRUMP William, late of the town of Abergavenny, in the county of Monmouth, innkeeper and victualler, earthenware and glass and china dealer, *d. c.*, and now of the said town of Abergavenny, earthenware and glass and china dealer, *d. c.*—Official assignee, Acraman.—Sols. Messrs. Price, Abergavenny, and Gooldeen, Bristol. Fiat, July 5. Bankrupt's own petition.

DAVIS Henry Louis, of Ludgate-hill, in the city of London, dealer in glass, *d. c.*—Official assignee, Cannan.—Sol. Lloyd, Milk-street. Fiat, June 28. Pet. Crs. Ludwig Alexander Bloombury, and Otta Alex. Bereas, of St. Paul's-churchyard, warehousemen.

DAVISON John, of Dudley-hill, near Bradford, in the county of York, woolstapler, *d. c.*—Official assignee, Hope.—Sols. Robinson & Co. Essex-street, and Wood & Son, Leeds. Fiat, June 30. Pet. Cr. Robert Paul, of Edinburgh, esq., manager of the Commercial Bank of Scotland.

DEAKIN John, of Liverpool, in the county of Lancaster, wine and spirit merchant, and ale and porter dealer (formerly carrying on business as a coal-merchant), *d. c.*—Official assignee, Bird.—Sols. Cornthwaite & Co. Old Jewry, and Fisher & Stone, Liverpool. Fiat, July 3. Bankrupt's own petition.

FAGAN Patrick, of Birmingham, in the county of Warwick, bard-wareman, *d. c.*—Official assignee, Valpy.—Sols. Powell, Birmingham, and Stanley, Gray's Inn-place. Fiat, July 2. Bankrupt's own petition.

HOLLAND George, of the White Lion, Port, in the county of Warwick, licensed victualler, *d. c.*—Official assignee, Valpy.—Sol. Blockham, Birmingham. Fiat, July 6. Bankrupt's own petition.

KNOWLES Sir Francis Charles, bart., formerly of Cavendish-square, in the county of Middlesex, afterwards of No. 7, Queen-street, May-fair, in the said county of Middlesex, but now a prisoner for debt in the Queen's Bench prison, banker, *d. c.*—Official assignee, Pennell.—Sol. Bell, Bedford-row. Fiat, July 3. Pet. Cr. Charles Bagley Uther, of Leicester-street, gun-maker.

LAKE Thomas Man, of Uxbridge, in the county of Middlesex, bookseller, stationer, printer, *d. c.*—Official assignee, Cannan.—Sols. Weir & Smith, Coopers' Hall. Fiat, July 3. Pet. Crs. Charles Elias and John Simon Penny, of Bow-lane, stationers.

ORRELL William, of Manchester, in the county of Lancaster, gum manufacturer, *d. c.*—Official assignee, Pott.—Sols. Sharp & Co. Gray's Inn, and Rowley & Taylor, Manchester. Fiat, July 5. Bankrupt's own petition.

PRITCHARD John, of the Quay Head, in the parish of St. Stephen, in the city of Bristol, licensed victualler.—Official assignee, Acraman.—Sol. Hopkins, Bristol. Fiat, June 29. Pet. Cr. Thomas Colman, of Bristol, maltster.

STAMP Francis, of the town or borough of Kingston-upon-Hull, in county of the same town or borough, stock-broker, share-broker, and auctioneer, *d. c.*—Official assignee, Stansfeld.—Sols. Tilson & Co. Coleman-street, and Wells & Co. Hull. Fiat, July 5. Pet. Cr. Thomas Digby, of Hull, banker.

STEAD Samuel, of Gomersal, in the county of York, woolstapler, *d. c.*—Official assignee, Stansfeld.—Sols. Robinson & Co. Essex-street, and Ward & Son, Leeds. Fiat, June 30. Pet. Cr. Robert Paul, of Edinburgh, esq., manager of the Commercial Bank of Scotland.

TEMPLE William, of No. 26, Motcombe-street, Belgrave-square, in the county of Middlesex, turner and brush-maker.—Official assignee, Whitmore.—Sol. A' Beckett, Golden-square. Fiat, July 5. Pet. Cr. William Griffiths, of Suffolk-street, Pall-mall, gent.

TOMLINS Emma, of the town of Coleford, in the parish of Newland, in the county of Gloucester, grocer, draper, *d. c.*—Official assignee, Hutton.—Sol. Nicholas, Monmouth. Fiat, July 3. Bankrupt's own petition.

WALKER Edward, of High-street, Peckham, in the county of Surrey, oilman and grocer, *d. c.*—Official assignee, Green.—Sols. Hine & Co. Charterhouse-square. Fiat, July 6. Pet. Crs. Edward Hodgson, Philip Bidwell, and Charles Yates, of St. John-street, grocers.

WILLS Robert, of No. 21, Tottenham-court, New-road, in the county of Middlesex, statuary and mason.—Official assignee, Groom.—Sols. Dunn & Dobie, Gray's Inn. Fiat, July 6. Bankrupt's own petition.

CERTIFICATES to be allowed July 30.

Caswell Thomas, and James Thomas Tindall, of Northampton and Sheffield, leather-sellers.

Davies David, of Lydney, coal-master.

Elphick Samuel, of Bermondsey-street, victualler.

Hayward William, of Ashford, butcher.

Irving James, and Thomas Bamber, of Prestop, wine-merchants.

Scott Benjamin, of Bath, salesman.

Tate Robert, of Regent-street, silversmith.

Tebbutt Jonas, of Cambridge, auctioneer.

Thomas Herbert, of Carmarthen, draper.

Toone Edward, of Twickenham, tea-dealer.

Whitechurch George Swaine, of Fleet-street, hosier.

DIVIDENDS.

Date of Fiat.

1847, **BRADBURY George Thomas**, of Rank Mill, in Ashton-under-Lyne, Lancashire, cotton-spinner; div.

1847, **DICKENSON Wilson**, of Tib-lane, in Manchester, Lancashire, saddler; div.

1846, **FOX William**, and **James Fox**, of Manchester, Lancashire, oil and colourmen and sign-writers, carrying on the said business in Manchester, under the style or firm of William Fox & Son; joint div.

1847, **GIRO James**, of Moorgate-street, London, merchant; div.

1847, **KNIGHT Henry**, of Reading, Berkshire, brewer and hop-merchant; div.

1847, **TEMPEDEY Nicholas**, of King William-street, London, coal-merchant, and of Newcastle-upon-Tyne, draper; div.

Gazette, Tuesday, July 13.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BILLINGAY Samuel Howard, of Commercial-road East, in the parish of Whitechapel, in the county of Middlesex, ironmonger.—Official assignee, Green.—Sols. Clowes & Co. Temple, and Brown & Co. Dudley. Fiat, July 8. Pet. Crs. Joseph and William Bennett and William Files, of Dudley, iron-merchants.

BUTTERELL Joseph Leadbeater, of Doncaster, in the county of York, grocer, *d. c.*—Official assignee, Freeman.—Sols. Rushworth, Staple Inn, and Sanderson, Leeds. Fiat, July 6. Bankrupt's own petition.

DOSHA William, of Smittierfield, in the county of Warwick, licensed victualler, *d. c.*—Official assignee, Christie.—Sol. Bloxham, Birmingham. Fiat, July 5. Bankrupt's own petition.

GUYTON William, the younger, now of Liverpool, in the county of Lancaster, but late of Wellington, in New Zealand, one of the British Colonies, merchant, trading at Wellington, in New Zealand aforesaid, in partnership with John Ridgway, Joseph Ridgway, Thomas Ridgway, and George Butler Karp, under the style or firm of Ridgways, Guyton & Karp.—Official assignee, Morgan.—Holme & Co. New Inn, and Yeates, jun. Liverpool. Fiat, July 2. Bankrupt's own petition.

HARRIS George, of Giltspur-street, in the city of London, tiler, *d. c.*—Official assignee, Follett.—Sols. Mardon & Co. Newport-street. Fiat, July 8. Pet. Crs. Charles Morris, William Robert Maund, Thomas Jones, and Richard Coes Baskin, of Cornhill, warehousemen.

HILL Arnold, of Carr-street, Ipswich, in the county of Suffolk, last, patten, clog, and boot and shoe maker.—Official assignee, Green.—Sols. Kirk, Symond's Inn, and Galsworthy, Ipswich. Fiat, July 7. Bankrupt's own petition.

HOLFORD Thomas Henry, of Dudley, in the county of Worcester, grocer, *d. c.*—Official assignee, Hutton.—Sols. Stevens & Co. Gray's Inn-square, and Perkins, Bristol. Fiat, July 9. Pet. Crs. William Hellier Bailey and George Bailey, of Bristol, wholesale grocers.

KINDER John, of Birkenhead, in the county of Chester, painter and paper-hanger.—Official assignee, Turner.—Sols. Oliver, Old Jewry, and Evans & Son, Liverpool. Fiat, July 7. Bankrupt's own petition.

LEGASSICK Jacob, of the borough of Tavistock, in the county of Devon, grocer, draper, *d. c.*—Official assignee, Hernaman.—Sols. Tucker, Tavistock, Stogdon, Exeter, and Jenkinson & Co. Lombard-street. Fiat, June 29. Pet. Cr. Farminter Cardell, of Plymouth, warehouseman.

MACHIN Anthony, of Manchester, in the county of Lancaster, grocer and tea-dealer, *d. c.*—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Hitchcock & Co. Manchester. Fiat, July 9. Pet. Crs. John Hunter, of Manchester, tea-dealer, and Thomas and Edward Binyon, his copartners.

PYE James Edmund, of No. 4, Berkeley-square, in the county of Middlesex, milliner, *d. c.*—Official assignee, Cannan.—Sols. Mayhew & Co. Carey-street. Fiat, July 9. Pet. Cr. Thomas Andrew Fitzgerald Reynolds, of No. 26, Carey-street, gent.

WORTERS Joseph, late of Long Melford, in the county of Suffolk, but now of Groton, in the same county, butcher, *d. c.*—Official assignee, Edwards.—Sols. Milne & Co. Temple, and Walsh, Sudbury. Fiat, July 9. Pet. Cr. Ann Smith, of Groton, Suffolk, widow.

CERTIFICATES to be allowed August 3.

Ballantyne Robert, of Liverpool, merchant.
Bond William, of Holborn-hill, victualler.
Broadbent William, of Delph, cloth-manufacturer.
Cowper William Frederick, Benjamin Farrer Cowper, and Paul Edwin Cowper, of Darlington, drapers.
Hellaewell John Beaumont, of Halifax, dyer.
Hellaewell Thomas Ibbetson, of Halifax, dyer.
Knowell William, of Bristol, carpenter.
Locks William, of Leonard-street, Shoreditch, timber-merchant.
Ward James Bryan, of Birmingham, cheese-factor.
Watkins John, of Wandsworth-road, victualler.
Wood William Law, of Gracechurch-street, ironmonger.

DIVIDENDS.

Date of Fiat.

- 1847, **COWPER** William Frederick, Benjamin Farrer Cowper, and Paul Edwin Cowper, of Darlington, Durham, linen-draper; sep. div. of W. F. Cowper.
- 1846, **GEACH** William Jane, of St. Columb Major, Cornwall, auctioneer; div.
- 1843, **GIBBS** James, of No. 42, Jermyn-street, St. James's, Westminster, scrivener and bill-broker; div.
- 1846, **HODSOLL** William, of South Ash, Kent, farmer and letter-out of an agricultural threshing machine with horses thereto; div.

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BANKRUPTS.

BANKRUPTCY SUPERSEDED.

SWIFT Edward, of Walsall, saddlers' ironmonger.

TOWN AND COUNTRY FIATS.

BRITTAN John, of Redlynch, in the parish of Downton, in the county of Wilts, market-gardener and nurseryman.—Official assignee, Whitmore.—Sol. Knight, Basinghall-street. Fiat, July 14. Bankrupt's own petition.

BUTTERELL Joseph Leadbeater, of Doncaster, in the county of York, grocer, *d. c.*—Official assignee, Freeman.—Sols. Rushworth, Staple Inn, and Sanderson, Leeds. Fiat, July 6. Bankrupt's own petition.

8. BANKR.—1847.

CLARK Henry, of Redcross-street, in the city of London, and of Plummer's-row, Whitechapel, in the county of Middlesex, oil and colour merchant and soap-dealer, *d. c.*—Official assignee, Follett.—Sol. Murray, London-street. Fiat, July 12. Bankrupt's own petition.

COOKE William Bromley, of Repton-road, in the township of Winshill, in that part of the parish of Burton-upon-Trent which lies in the county of Derby, tape and small-ware manufacturer, *d. c.*—Official assignee, Bittleston.—Sols. Richardson & Co. Burton-upon-Trent, and Braikenridge, Bartlett's-buildings. Fiat, July 6. Bankrupt's own petition.

CROFTS Thomas Green, of Leicester, in the county of Leicester, draper.—Official assignee, Bittleston.—Sols. Motteram & Knowles, Birmingham. Fiat, July 8. Pet. Cr. Thomas Crofts, of Leicester, hosier.

DOLPHIN James, of Bilston, in the county of Stafford, grocer and dealer in provisions.—Official assignee, Christie.—Sol. Boddington, Dudley. Fiat, July 10. Pet. Cr. Richard Edridge, of Bilston, grocer.

GEE John Fearn, of Wakefield, in the county of York, manufacturing chemist (trading under the firm of John Fearn, Gee & Company), *d. c.*—Official assignee, Young.—Sols. Clarke, Chancery-lane, Barratt, Wakefield, and Cariss, Leeds. Fiat, July 3. Pet. Cr. John Avison, of Wakefield, whitesmith.

HOCKEN Stephen, of No. 2, Cornwall Villas, Albion-road, Queen's-road, Dalston, in the county of Middlesex, builder, *d. c.*—Official assignee, Groom.—Sol. Cutler, Bell-yard. Fiat, July 14. Bankrupt's own petition.

LANGLEY Luke, of Brading, in the Isle of Wight, baker, grocer, *d. c.*—Official assignee, Follett.—Sols. Westmacott, John-street, Bedford-row, and Hearn, Newport. Fiat, July 1. Pet. Crs. John Roach and Thomas Robinson, of the Isle of Wight, millers.

MASSEY William Alsop, formerly of Everton, near Liverpool, in the county of Lancaster, but now of Liverpool aforesaid, licensed victualler, and also dealer in coals and earthenware with one James Acton, under the style or firm of Massey & Acton.—Official assignee, Cazenove.—Sols. Kennedy, Chancery-lane, and Henry, Liverpool. Fiat, July 5. Bankrupt's own petition.

ROBERTS George, of Frigg's Mill, in the parish of Rodborough, in the county of Gloucester, miller, *d. c.*—Official assignee, Miller.—Sol. Kearsey, Stroud. Fiat, July 6. Bankrupt's own petition.

SNOOK John, of Ledbury-road, Westbourne-grove, Paddington, in the county of Middlesex, builder, *d. c.*—Official assignee, Cannan.—Sol. Fisher, Queen-square. Fiat, July 14. Bankrupt's own petition.

SUGG John Wyatt, of Torquay, in the parish of Tormoham, in the county of Devon, architect and builder.—Official assignee, Hernaman.—Sols. Laidman, Exeter, and Clowes & Co. Temple. Fiat, July 9. Pet. Cr. William Hamlyn Hall, of Torquay, architect.

WHITEHEAD George, John Settle, John Smith, John Hyde, William Kelsall, James Holden, Thomas Barlow, Duncan Crighton, John Jones, Thomas Mallinson, William Foster, David Crighton, and James Ashworth, of Pendleton, near Manchester, in the county of Lancaster, severally members of the Manchester Industrial Society, and carrying on the business of cotton-spinners and manufacturers of power-loom cloth at Hill's Croft Mill, in Pendleton aforesaid, in copartnership with James Brown, William Hopwood, and John Murgatroyd, heretofore under the style or firm of James Brown & Company, and subsequently under the style or firm of Crighton, Holden & Co.—Official assignee, Fraser.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, July 9. Bankrupt's own petition.

CERTIFICATES to be allowed August 6.

Blyth James, of Chelmsford, grocer.
Buckley Ralph, of Saddleworth, woollen-cloth manufacturer.
Donaldson John, of Regent-street and Margaret-street, coach-builder.
Fugler William, of Lawrence-lane, Manchester warehouseman.
Gibson Richard, of Castle Bromwich, grazier.
Ingram John, of Birmingham, grocer.
King Henry William, of Oldham, furniture-dealer.
Pickstone Ralph, of Manchester, grocer.
Teil George, and Basil McKenzie Ronald, of Old Jewry Chambers, East India merchants.
Ward John, of Runcorn, grocer.

DIVIDENDS.

Date of Fiat.

- 1846, **ASTLEY John**, of Manchester, Lancashire, and of Whitefield, said county, nankeen and fustian manufacturer; second div.
- 1847, **CARTER Thomas**, of King-street, Reading, Berkshire, jeweller; div.
- 1846, **FOX William**, and **James Fox**, of Manchester, Lancashire, oil and colourmen and sign-writers, carrying on the said business in Manchester, under the style or firm of **William Fox & Son**; final sep. divs.
- 1847, **HITCHIN Samuel**, of Oxford-street, Middlesex, draper and mercer; div.
- 1847, **JOHNSON Henry**, of Sheffield, Yorkshire, merchant and manufacturer; div.
- 1847, **MACK John**, of Liverpool, Lancashire, pawnbroker and salesman; div.
- 1846, **MOORE Jesse Cornelius**, late of Wellington-street, Strand, Middlesex, afterwards of No. 137, Strand, and now of No. 143, Strand, bookseller and publisher; div.
- 1847, **QUINCEY William**, of No. 115, Old-street, St. Luke's, Middlesex, tin-plate worker, trading under the firm or style of **Robert Howard Howard & Co.**; div.

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BANKRUPTS.

BANKRUPTCY SUPERSEDED.

MEASFIELD John, of Liverpool, hotel-keeper.

TOWN AND COUNTRY FIATS.

- BOWRING Sarah**, of Pendleton, near Manchester, in the county of Lancaster, widow, plumber and glazier.—Official assignee, **Pott**.—Sols. **Atkinson & Co.** Manchester, and **Abbott**, Charlotte-street. Fiat, July 14. Bankrupt's own petition.
- DAY Robert John**, of Halstead, in the county of Essex, wine and spirit merchant, *d. c.*—Official assignee, **Groom**.—Sols. **Wilkinson & Rasch**, Nicholas-lane. Fiat, July 10. Pet. Cr. **Emanuel Cooper**, of No. 21, Lombard-street, banker.
- DODGE James**, of No. 6, Cumberland-row, Walworth-road, Newington, in the county of Surrey, ironmonger, lamp-maker, and gas-fitter, *d. c.*—Official assignee, **Green**.—Sol. **Cooper**, Old Cavendish-street. Fiat, July 16. Bankrupt's own petition.
- GARDNER Joseph**, of the town and county of the town of Nottingham, baker and flour-seller, *d. c.*—Official assignee, **Bittleston**.—Sol. **Cooper**, Nottingham. Fiat, July 7. Bankrupt's own petition.
- HAY John**, of the city and borough of Bath, in the county of Somerset, surgeon-dentist.—Official assignee, **Hutton**.—Sols. **Wellings**, Bath, and **Jones & Co.** Crosby-square. Fiat, July 17. Bankrupt's own petition.
- LOMER Diedrick Casten Hermann**, of London-street, in the city of London, merchant, *d. c.*—Official assignee, **Whitmore**.—Sols. **Marden & Co.** Mincing-lane. Fiat, July 15. Bankrupt's own petition.
- MONSON Henry**, of No. 30, East-street, Manchester-square, in the county of Middlesex, builder, *d. c.*—Official assignee, **Green**.—Sols. **Newbon & Evans**, Doctors' Commons. Fiat, July 15. Pet. Cr. **Peter Rolt**, of No. 4, Clement's-lane, timber-merchant.
- NEWMAN Joseph**, of Frampton Cotterell, in the county of Gloucester, carpenter and builder.—Official assignee, **Hutton**.—Sol. **Nash**, Bristol. Fiat, July 15. Pet. Cr. **Isaac Rouch**, of Bristol, timber-merchant.
- NORMINGTON Luke**, of Lester Dyke, in the parish of Bradford, in the county of York, worsted-spinner and manufacturer, *d. c.*—Official assignee, **Stansfeld**.—Sols. **Fidley**, Temple, and **Barr & Co.** Leeds. Fiat, July 15. Bankrupt's own petition.
- PRICE John**, of the Belle Sauvage Hotel, and late of Dolly's Chop-house, Queen's Head-passag, Newgate-street, both in the city of London, the Portland Hotel, Great Portland-street, in the county of Middlesex, and of Plaistow, in the county of Essex, innkeeper and farmer, *d. c.*—Official assignee, **Edwards**.—Sol. **Brisley**, Pancras-lane. Fiat, July 15. Pet. Cr. **James Crighton Nelson**, of Dolly's Chop-house, Queen's Head-passag, Newgate-street, innkeeper.

SCOTT William, of Liverpool, in the county of Lancaster, hardware-dealer, *d. c.*—Official assignee, **Bird**.—Sols. **Cotterill**, Throgmorton-street, and **Fletcher & Co.** Liverpool. Fiat, July 14. Bankrupt's own petition.

SMITH Abraham, of Great Holme-street, Leicester, in the county of Leicester, worsted-spinner.—Official assignee, **Bittleston**.—Sol. **Sculthorpe**, Leicester. Fiat, July 10. Bankrupt's own petition.

SMITH Henry, of Botley, near the town and county of the town of Southampton, chair-maker, *d. c.*—Official assignee, **Follett**.—Sol. **Fitch**, Southampton-street. Fiat, July 16. Bankrupt's own petition.

WOODHOUSE Henry, and **Thomas Theakstone Woodhouse**, of Aldermanbury, in the city of London, warehousemen, *d. c.* and copartners.—Official assignee, **Follett**.—Sols. **Davis**, Coventry, and **Lloyd**, Milk-street. Fiat, July 20. Pet. Crs. **Benjamin Walker** and **James Hart**, of Coventry, ribbon-manufacturers.

CERTIFICATES to be allowed August 10.

Goodwin Charles, of Great Guildford-street, plaster-manufacturer.

Parker Mordecai, of Grimsby, grocer.

Thomas David Richard, of Carmarthen, draper.

Webb Thomas George, of Wood-street and Manchester, lace-manufacturer.

Williams John, of Abergavenny, carpenter.

DIVIDENDS.

Date of Fiat.

1846, **BARTON George**, and **John Barton**, both of Manchester, Lancashire, copper-roller manufacturers, carrying on business under the firm of **M. Barton & Co.**, the said **John Barton** lately carrying on business as a calico-printer with **William Nelson Wilson**; fur. joint div.

1846, **PARTRIDGE John**, of Cheltenham, Gloucestershire, coal-merchant; div.

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BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BROWN George**, of the town and county of the town of Southampton, builder, carpenter, *d. c.*—Official assignee, **Whitmore**.—Sols. **Braikenridge**, **Bartlett**'s-buildings, and **Newman**, Southampton. Fiat, July 23. Bankrupt's own petition.
- COOMBS George**, late of the parish of Westminster, in the city and county of Bristol, carpenter and builder, but now residing in the same city, out of business.—Official assignee, **Acraman**.—Sols. **Trehern & Co.** Barge-yard Chambers, and **Sabine**, Bristol. Fiat, July 13. Bankrupt's own petition.
- CORNELL Frederick**, of Halstead, in the county of Essex, ironmonger, *d. c.*—Official assignee, **Groom**.—Sols. **Hindmarsh & Son**, Crescent, Jewin-street. Fiat, July 21. Pet. Crs. **Charles Bartrum Warner**, **Alfred Warner**, and **Robert Warner**, of Jewin-crescent, brass-founders.
- DONALDSON John**, late of Wigton, in the county of Cumberland, common brewer, *d. c.*—Official assignee, **Wakley**.—Sols. **Lazenby**, Wigton, **Willis**, Staple Inn, and **Ingledeu**, Newcastle. Fiat, July 3. Pet. Cr. **John Meals**, of Wigton, gent.
- HAMMER William**, and **John Hammer**, of Whitechapel-road, in the county of Middlesex, coach-makers.—Official assignee, **Cannan**.—Sols. **Parnell & Co.** New Broad-street. Fiat, July 22. Pet. Cr. **Thomas Hart**, of Union-street, Southwark, carrier.
- HOUGHTON Charles**, of No. 58, Dudley-grove, Paddington, in the county of Middlesex, ironmonger, late of Farringdon, in the city of London, ironmonger.—Official assignee, **Edwards**.—Sols. **Brady & Son**, Staple Inn. Fiat, July 21. Bankrupt's own petition.
- JEWRY John**, jun., of High-street, in the town of Cardiff, in the county of Glamorgan, boot and shoe maker.—Official assignee, **Miller**.—Sols. **Trehern & Co.** Barge-yard Chambers, and **Sabine**, Bristol. Fiat, July 19. Bankrupt's own petition.
- KEEN Stephen**, of Hillingdon, in the county of Middlesex, brick-maker, *d. c.*—Official assignee, **Cannan**.—Sols. **Newbon & Evans**, Doctors' Commons. Fiat, July 9. Pet. Crs. **W. Thomas** and **Richard Stapleton**, of Whitefriars, contractors.

KIPPAX Robert, of Colne, in the county of Lancaster, cotton-spinner, and James Kippax, of Burnley, in the county of Lancaster, steam-loom overlooker and cotton-spinner, and carrying on business together at Primet Bridge, near Colne aforesaid, as cotton-spinners and manufacturers of cotton-cloth by power, *d. c.*—Official assignee, Hobson.—Sols. Cragg & Jeyes, Bedford-row, and Alcock & Dixon, Burnley. Fiat, July 1. Pet. Crs. James Whitaker and Thomas Sagar, of Burnley, machine-makers.

MARRIOTT Thomas, of Moor-street, Seven-dials, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Bell.—Sol. Cattlin, Ely-place. Fiat, July 19. Pet. Cr. George Marriott, of No. 6, Great Chapel-street, Westminster, victualler.

MARTIN Christopher, of Darlington, in the county of Durham, plumber and glazier.—Official assignee, Baker.—Sols. Newburn, Darlington, and Harle, Newcastle. Fiat, July 15. Bankrupt's own petition.

PERRY Thomas, of Elizabeth-place, Westminster-road, in the county of Surrey, builder, *d. c.*—Official assignee, Groom.—Sols. Collins & Rigley, Crescent-place, Bridge-street. Fiat, July 21. Bankrupt's own petition.

PINDER Thomas Hutchins, of the town and county of the town of Southampton, also of Cheltenham, in the county of Gloucester, and also of the city of Gloucester, tailor and draper, hatter, shoe-dealer, *d. c.*—Official assignee, Groom.—Sols. Sole & Turner, Aldermanbury, and Hardwick & Davidson, Basinghall-street. Fiat, July 21. Pet. Crs. William Hitchcock, Richard Llewellyn, and Christopher Truman, of Wood-street, warehousemen.

POWELL Edwin Charles, of No. 6, Hanover-place, Neckinger-road, Bermondsey, in the county of Surrey, baker, *d. c.*—Official assignee, Cannan.—Sol. Buchanan, Basinghall-street. Fiat, July 21. Bankrupt's own petition.

RICH Richard, of Bere-street, in the borough of Bodmin, in the county of Cornwall, currier and leather-cutter.—Official assignee, Hirtzel.—Sols. Wallis, Bodmin, Turner, Exeter, and Stogdon, Exeter. Fiat, July 7. Bankrupt's own petition.

SMITH John, of Croydon, in the county of Surrey, plumber, glazier and painter, *d. c.*—Official assignee, Green.—Sols. Haniland & Co. Bouverie-street. Fiat, July 21. Bankrupt's own petition.

SMITH Joseph, late of Gargrave, in the county of York, worsted-spinner, *d. c.*, but now of Kendal, in the county of Westmoreland, commission-agent.—Official assignee, Hope.—Sols. Taylor, Nicholas-lane, Hodgson, Bradford, and Bond and Barwick, Leeds. Fiat, July 17. Pet. Cr. William Collinson, of Bradford, gent.

TAMLYN Henry, of Totton, in the parish of Eling, in the county of Hants, coal-merchant, *d. c.*—Official assignee, Edwards.—Sols. Tilson & Co. Coleman-street, and Randall, Southampton. Fiat, July 13. Pet. Cr. Benjamin Ford, of Southampton, esq., public officer of the Hampshire Banking Company.

WANSTALL Henry, of Saddler-street, in the city of Durham, in the county of Durham, grocer and tea-dealer.—Official assignee, Wakley.—Sols. Crosby & Compton, Old Jewry, Hodge, Newcastle, and Moor, Durham. Fiat, July 16. Bankrupt's own petition.

WATKINS Richard, and Samuel Watkins, now or late of Manchester, in the county of Lancaster, tailors and drapers, carrying on business under the firm of Watkins & Son.—Official assignee, Hobson.—Sols. Wood & Fraser, Dean-street, Soho, and Clay & Welsh, Manchester. Fiat, July 13. Pet. Crs. John Griffiths, Samuel Long, and Paul Long, of Gresham-street, woollen-manufacturers.

WESTALL William Francis, of Manchester, in the county of Lancaster, hotel-keeper, wine and spirit merchant, *d. c.*—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Bagshaw & Co. Manchester. Fiat, July 17. Pet. Cr. Richard Brown, of Manchester, butcher.

WHITTAKER John Corker, of Manchester, in the county of Lancaster, licensed victualler, *d. c.*—Official assignee, Hobson.—Sols. Wathen, Basinghall-street, and Fogg, Manchester. Fiat, July 15. Bankrupt's own petition.

WILSON George, of Salford, in the county of Lancaster, iron-founder, *d. c.*—Official assignee, Hobson.—Sols. Abbott, Charlotte-street, and Atkinson & Co. Manchester. Fiat, July 14. Bankrupt's own petition.

WINNALL George, of Friar-street, in the city of Worcester, coach-builder.—Official assignee, Whitmore.—Sols. Finch, Worcester,

and Motteram & Knowles, Birmingham. Fiat, July 19. Bankrupt's own petition.

YATES Thomas, of Liverpool, in the county of Lancaster, joiner and builder.—Official assignee, Cazenove.—Sols. Johnson & Co. Temple, and Snowball, Liverpool. Fiat, July 14. Pet. Crs. James Rowland Brandreth, of Liverpool, painter, and John Alexander Phipps, of Liverpool, paper-stainer.

CERTIFICATES to be allowed August 13.

Barraclough Thomas, of Halifax, woollen-cloth manufacturer.
Facey Hugh Hill, of Exeter, builder.
Green John, of Maize-hill, Greenwich, lodging-house keeper.
Mackey James Henry, of St. Helen's-place, merchant.
Shuker William, of Salisbury, victualler.
Thomas William, of Treforest, draper and grocer.
Tyler James, of Worcester, hop-merchant.
Wilks James Longmore, of Worcester, tailor.

DIVIDENDS.

Date of Fiat.

1846, **BARWISE** John, of St. Martin's-lane, Middlesex, watch-maker; div.

1846, **BOINTON** Thomas, of Pickering, Yorkshire, money-scriver; first div.

1843, **BOURNE** Thomas, of Liverpool, Lancashire, cotton-factor; div.

1847, **BRAZER** Henry Sydney, of Oxford, tailor; div.

1847, **PADDON** Charles, of No. 48, Milner-place, Lower Marsh, Lambeth, and of No. 67, Charlotte-street, New-cut, both in Surrey, clothes-salesman; div.

1847, **QUARTERMAN** Abel, of High-street, Oxford, breeches-maker and Glover; div.

Gazette, Tuesday, July 27.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

BULL William, of Little Love-lane, stock-manufacturer.

MESNARD Edward, and John Hudson, of Sunderland, Seaham, Hartlepool and Newcastle, merchants.

TOWN AND COUNTRY FIATS.

ARCHER John Stubbing, of Paternoster-row, in the city of London, tallow-chandler and melter, *d. c.*—Official assignee, Edwards.—Sols. Dickson & Overbury, Frederick's-place. Fiat, July 23. Pet. Cr. William Snodin, of No. 41, Red Lion-street, Holborn, tallow-melter.

BURT Charles, of Lower Mitcham, in the county of Surrey, chemist.—Official assignee, Edwards.—Sols. Gooday, South-square, Gray's Inn. Fiat, July 26. Bankrupt's own petition.

DENNER John Henry, of the town and county of the town of Nottingham, pawnbroker, *d. c.*—Official assignee, Bittleston.—Sol. Bowley, Nottingham. Fiat, July 19. Bankrupt's own petition.

DUPLAN Gilbert, of Regent's-place, Westminster, in the county of Middlesex, tea-dealer and grocer.—Official assignee, Whitmore.—Sols. Hill & Matthews, St. Mary Axe. Fiat, July 19. Pet. Cr. Joseph Raw, of St. Dunstan's-hill, grocer.

EVANS Henry, of Heanor, in the county of Derby, builder, wheelwright, brick-maker, *d. c.*—Official assignee, Bittleston.—Sols. Rickards & Son, Alfreton, and Bromley & Co. Gray's Inn. Fiat, July 23. Bankrupt's own petition.

GALE John, of Live Oaks Farm, in the parish of Chapel-hill, in the county of Monmouth, and of Chepstow, in the same county, wine and spirit merchant.—Official assignee, Miller.—Sols. Ray & Co. Bristol. Fiat, July 17. Bankrupt's own petition.

HENWOOD George, of Leeds, in the county of York, carver and gilder, *d. c.*—Official assignee, Stansfield.—Sols. Williamson & Co. Great James-street, and Cariss, Leeds. Fiat, July 22. Bankrupt's own petition.

HUSENBETH Frederick Charles, of Baldwin-street, in the parish of St. Nicholas, in the city of Bristol, wine and spirit merchant.—

Official assignee, Acraman.—Sols. Wigglesworth & Co. Gray's Inn-square, and Callender, Bristol. Fiat, July 23. Bankrupt's own petition.

JACKSON William, of Tranmere, in the county of Chester, joiner and builder.—Official assignee, Morgan.—Sols. Gregory & Co. Bedford-row, and Payne, Liverpool. Fiat, July 19. Bankrupt's own petition.

KIRKLAND John, of New-street, Covent-garden, in the county of Middlesex, grocer.—Official assignee, Cannan.—Sols. Scargill, Hatton-court. Fiat, July 24. Pet. Crs. John Owthwait and Benjamin Sinclair, of London-street, tea-dealers.

PRIESTLEY Thomas, of the town of Bedford, in the county of Bedford, grocer.—Official assignee, Whitmore.—Sols. Wilde & Co. College-hill. Fiat, July 26. Pet. Crs. John and Francis Lloyd, and William Walkias Lloyd, of Snow-hill, tobaccoists.

WATKINS David, of Abergavenny, in the county of Monmouth, shoe-maker, hat-dealer, and saddler, d.c.—Official assignee, Acraman.—Sol. Hinton, Bristol. Fiat, July 14. Pet. Cr. Charles Foley, of Bristol, carrier.

WESTRIP George, of No. 1, St. Peter-street, in the parish of St. Mary, Newington, in the county of Surrey, cab-master, d.c.—Official assignee, Whitmore.—Nind, Nicholas-lane. Fiat, July 23. Bankrupt's own petition.

WIGGINS Frederick, of No. 5, Union-street, Bridge-street, Blackfriars, in the city of London, horse-contractor, d.c.—Official assignee, Groom.—Sol. Shuttleworth, Gray's Inn. Fiat, July 26. Bankrupt's own petition.

CERTIFICATES to be allowed August 17.

Lafargue Antonio Hippolite, of Gould-square, ship-owner (partner with Gerard Polden).

Law Robert, of Bristol, ironmonger.

Murdock Emerson George, of Clerkenwell-green, glass-cutter.

Pace Henry, of St. Michael's-alley, general merchant, (partner with John Pace).

Sarginson William, and Matthew Rigby, of Bury, joiners.

Wilkinson Joseph, of Birkenhead, builder and hotel-keeper.

Wright Thomas, of Birkenhead, ironmonger.

DIVIDENDS.

Date of Fiat.

1840, BLACKETT William Wilks, Richard Thackray, and Robert Tennant, of Manchester, Lancashire, cloth and linen merchants, lately carrying on business together; div.

1847, BOSUSTOW Richard, of Redruth, Cornwall, grocer; div.

1847, BROOKS Charles, of Vine-yard, Lant-street, Surrey, carman and brick-dealer; div.

1846, CAMERON William, of Newcastle-upon-Tyne, confectioner; final div.

1846, HARTLEY Richard Henry, of Halifax, Yorkshire, stock and share broker, accountant, and general agent; div.

1846, MORRIS John Beddleton, of Kingston-upon-Hull, boot and shoe maker; first div.

1847, PERRY Charles Henry, of Liverpool, Lancashire, baker and flour-dealer; first div.

1846, TAYLOR John, of Golcar, in Huddersfield, Yorkshire, commission-agent and woollen-cloth merchant; div.

1829, TOMKINSON Thomas, of Park-lane, in Leek, Staffordshire, tanner; final div.

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BANKRUPTS.

TOWN AND COUNTRY FIATS.

BELLARS Henry John, of Whitlessa, in the county of Cambridge, money-scrivener.—Official assignee, Cannan.—Sol. Jaques & Co. Ely-place. Fiat, July 27. Bankrupt's own petition.

CHILD William, of No. 58, Sun-street, Bishopsgate-street, in the city of London, shoe-mercant, d.c.—Official assignee, Groom.—Sol. Randall, Tokenhouse-yard. Fiat, July 29. Pet. Cr. George Child, of Dunster-court, Mincing-lane, ship-broker.

HAYLOCK Robert, of Cambridge, in the county of Cambridge, chemist and druggist, and also a share-broker, d.c.—Official assignee, Groom.—Sols. Williams & Co. Furnival's Inn. Fiat, July 24. Bankrupt's own petition.

HULME William, and Thomas Braggard, of Lodge-lane, Liverpool, in the county of Lancaster, rope-manufacturers, d. c. and copartners.—Official assignee, Bird.—Sols. Bridger & Co. London-wall, and Dodge, Liverpool. Fiat, July 20. Pet. Cr. Daniel Bell, of Liverpool, merchant.

LEEK Timothy, of Woodbridge, in the county of Suffolk, basket-maker.—Official assignee, Edwards.—Sols. Wright and Kingsford, Essex-street, and Wood & Son, Woodbridge. Fiat, July 16. Pet. Cr. James Dowling, of Woodbridge, Suffolk, wharfinger and ship-owner.

M'ARDLE Michael, late of Dundalk, in the county of Louth, in the kingdom of Ireland, but more recently of Liverpool, in the county of Lancaster, grocer.—Official assignee, Turner.—Sols. Norris & Co. Bedford-row, and Norris, Liverpool. Fiat, July 17. Pet. Cr. William Taylor, of Liverpool, wholesale grocer.

MILLS Jesse, trading under the name of Jesse Mills, of Didmarton, in the county of Gloucester, draper, silk-mercant, grocer, hop-mercant, d. c.—Official assignee, Acraman.—Sol. Brittan, Bristol. Fiat, July 17. Bankrupt's own petition.

PARSONS Thomas, of Maidstone, in the county of Kent, licensed victualler and butcher, d. c.—Official assignee, Edwards.—Sol. Chidley, Guildhall Chambers. Fiat, July 27. Bankrupt's own petition.

RICHARDSON James, of No. 40, Union-street, Spitalfields, in the county of Middlesex, glass, china and earthenware-dealer.—Official assignee, Edwards.—Sol. Taylor, Church-street, Spitalfields. Fiat, July 29. Pet. Cr. Thomas Wedgwood, of Dorset-street, Spitalfields, earthenware-dealer.

SMITH Joseph, of Ashton in Mackerfield, in the county of Lancaster, cotton-spinner, d. c.—Official assignee, Casenove.—Sols. Vincro, Temple, and Minshall, Liverpool. Fiat, July 31. Pet. Cr. Butterworth Clegg Parkinson, of Liverpool, cotton-mercant.

CERTIFICATES to be allowed August 20.

Andrews James, of Binstead, miller.

Blackburn Henry Webster, of Bradford, stock-broker, (partner with William Heskin Osborn).

Bonds William Heath, of Creek-road, Deptford, victualler.

Burns Peter, jun., of Liverpool, bookseller.

Cawston Frederick Harding, of Earl's Colne, Essex, plumber.

Elliott William, of Petworth, corn-mercant.

Groom Samuel, of Whitechurch, auctioneer.

Raelants Louise, of Argyll-street, milliner.

Rymer Richard, of Manchester, hotel-keeper.

Smith Edward, of Regent-street, auctioneer.

DIVIDENDS.

Date of Fiat.

1843, PARKER Hugh, Offley Shore, John Brewen, and John Rodgers, of Sheffield, Yorkshire, bankers; sep. divs. of Parker, Brewen and Rodgers.

1847, WALLIS Thomas, of Oxford-street, Middlesex, woollen-draper; div.

Gazette, Tuesday, August 3.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

SHEPHERD John Longman, of Basinghall-street, tavern-keeper.

TOWN AND COUNTRY FIATS.

BISHOP James, of Little Russell-street, Gilbert-street, and Bury-street, all in the parish of St. George, Bloomsbury, in the county of Middlesex, wheelwright.—Official assignee, Cannan.—Sol. Ford, Bloomsbury-square. Fiat, July 31. Bankrupt's own petition.

CLAYTON William, of Langcliffe, in the county of York, William Clayton, of Lostock, in Walton-le-Dale, in the county of Lancaster, and William Wilson, of Preston, in the county of Lancaster, bankers and copartners, carrying on the business of bankers at

Preston aforesaid, and the said William Clayton, of Langeliffe, also carrying on the business of a cotton-spinner at Langeliffe and Settle, both in the county of York, in copartnership with Edward Clayton and George Robert Clayton.—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, and Catterall, Preston. Fiat, July 28. Pet. Cr. John Paley, of Preston, cotton-spinner.

DOWERS Thomas William Turner, of No. 16, Took's-court, Curator-street, Chancery-lane, in the county of Middlesex, law-stationer, *d. c.*—Official assignee, Groom.—Sol. Petherick, Furnival's Inn. Fiat, July 29. Pet. Cr. Henry Elvery, of No. 64, Conduit-street, Regent-street, gent.

EYANS George, of Tottenham-court-road, in the county of Middlesex, and of Winchester, in the county of Hants, draper, *d. c.*—Official assignee, Turquand.—Sols. Sole & Co. Aldermanbury. Fiat, July 28. Pet. Crs. Andrew Beater and James Coster, of Aldermanbury, warehousemen.

FIELD Edward, of Stratford-upon-Avon, in the county of Warwick, mercer and draper, *d. c.*—Official assignee, Christie.—Sol. Jones, Alcester. Fiat, July 29. Pet. Cr. James Hemming Whitehouse, of Ipsley, gent.

GAGE Benjamin, of Gosport, in the county of Southampton, victualler, tavern-keeper, *d. c.*—Official assignee, Edwards.—Sols. Messrs. Low, Chancery-lane, and Low & Son, Portsea. Fiat, July 31. Bankrupt's own petition.

GARDINER Richard William, late of Lower Hopton, in the parish of Much Cowarne, in the county of Hereford, since in lodgings at No. 8, Wellington-parade, in the city of Gloucester, afterwards in lodgings at No. 6, Southampton-row, Russell-square, in the county of Middlesex, afterwards in lodgings in Worcester-street, in the city of Gloucester, then at lodgings at Longford, in the county of Gloucester, but now in lodgings in Widemarsh-street, in the city of Hereford, in the said county of Hereford, cattle-dealer, horse-dealer, *d. c.*—Official assignee, Christie.—Sols. Underwood, Hereford, and Motteram & Knowles, Birmingham. Fiat, July 17. Pet. Cr. John Meredith, of Much Cowarne, Herefordshire, farmer.

GOOD William, of East Stonehouse, in the county of Devon, brewer.—Official assignee, Hirtzel.—Sols. Elliott, Plymouth, Moore, Exeter, and Rickards & Walker, Lincoln's Inn-fields. Fiat, July 17. Pet. Crs. Robert Toms, of Plymouth, pawnbroker, and Mary Hill Toms, of Stoke Damerel, widow.

KNIGHT William, of Manchester, in the county of Lancaster, stock and share broker, *d. c.*—Official assignee, Fraser.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street, Bedford-square. Fiat, July 29. Pet. Cr. William Reston Greenhow, of Manchester, merchant.

LEVETT William, of Leicester, in the county of Leicester, tailor, woollen-draper and hatter, *d. c.*—Official assignee, Bittleston.—Sol. Sculthorpe, Leicester. Fiat, July 27. Bankrupt's own petition.

MAYNE Charles Washington, of Leeds, in the county of York, tobacco-manufacturer, *d. c.*—Official assignee, Freeman.—Sols. Lambert, Raymond-buildings, and Snowden & Preston, Leeds. Fiat, July 12. Pet. Cr. Joseph Beaumont, jun., of Huddersfield, tobacco-manufacturer.

PATTENDEN Joseph, of No. 33, Leonard-street, Shoreditch, in the county of Middlesex, general dealer, *d. c.*—Official assignee, Edwards.—Sols. Jenkinson & Co. Lombard-street. Fiat, Aug. 3. Pet. Cr. James Herbert Smith, of Wyldes-rents, Bermondsey, tanner.

ROBINSON Isaac, of Little Dean, Woodside, in the township of East Dean, in the county of Gloucester, grocer and draper, and now of Kendal, in the county of Westmoreland, out of business.—Official assignee, Hutton.—Sols. Smith, Newnham, and Blake, Blackfriars-road. Fiat, July 20. Bankrupt's own petition.

STARKEY James, of No. 75, Horseferry-road, Westminster, in the county of Middlesex, builder, *d. c.*—Official assignee, Groom.—Sols. Richardson & Co. Golden-square. Fiat, July 20. Pet. Cr. John Jay, of London-wall, builder.

WHITBREAD Edward of No. 6, Brett-terrace, Hampstead-road, and of No. 15, Stucley-terrace, Camden-town, both in the county of Middlesex, baker.—Official assignee, Edwards.—Sol. Smith, New Inn. Fiat, July 31. Bankrupt's own petition.

CERTIFICATES to be allowed August 24.

Adlington Bryning, and Edward Jones, of Liverpool, tailors.
Atkin William, of Stockton-upon-Tees, grocer and draper.
Barker William, of Tottington Higher End, cotton-spinner.
Berry John, of Church-street, Faddington, draper.
Cartwright William, of Kershaw Bridge, dyer, (partner with Samuel Whithall).
Davis William, of Preston, timber-merchant, and of Forton, lime-burner).
Groves John Thomas, of Millbrook, seed-crusher.
Hopkins Charles Gordon Matthew John, of Portman-street, tailor.
Jarman Joseph, of Brighton, toyman.
Jungmichel Charles, of Austin-friars, merchant.
Pickett Joseph, of Everett-street, Brunswick-square, cowkeeper.
Townley William, of Little James-street, coach-maker.
Wilson Frederick George, of Pangbourne, draper, &c.
Wood David, of Devonshire-street, Mile-end, toyman.
Worthington Henry, of Eccleshill, cotton-manufacturer.

DIVIDENDS.

Date of Fiat.

1842, **GODDARD** and Hill, of Birmingham, Warwickshire, merchants; final div.
1846, **GRIFFITHS** Miles, and Philip Pearson, of New Bond-street, Middlesex, tailors; joint div.
1846, **LITTLER** Samuel, of Liverpool, Lancashire, draper; div.
1846, **MORLEY** Thomas, of Oxford-street, Middlesex, jeweller.
1847, **RIKY** John, of Liverpool, Lancashire, merchant; div.
1846, **TIPPLE** Samuel, of Norwich, tailor and draper; div.

Gazette, Friday, August 6.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

LONDON and Birmingham Extension Railway Company, of Old Jewry Chambers.

RHODES William, of Saddleworth, woollen-cloth manufacturer.

TOWN AND COUNTRY FIATS.

ANDREWS John Alexander, late of Modbury, in the county of Devon, currier, and now of No. 19, Liverpool-terrace, Liverpool-road, in the county of Middlesex, out of business.—Official assignee, Whitmore.—Sols. Coode & Co. Bedford-row. Fiat, July 27. Bankrupt's own petition.

BAKER John, of Redcliff-hill, in the parish of St. Mary, Redcliff, in the city and county of Bristol, grocer.—Official assignee, Hutton.—Sols. Boykett, Chancery-lane, and Ayre, jun., Bristol. Fiat, Aug. 3. Bankrupt's own petition.

BYERS Thomas, of No. 7, Upper Lisson-street, Lisson-grove, in the parish of St. Marylebone, in the county of Middlesex, licensed victualler.—Official assignee, Groom.—Sol. Bourton, Northampton-square. Fiat, Aug. 3. Pet. Crs. Henry, William, and Philip Gardner, of St. John-street, brewers.

DAVIS Mary, otherwise Mary Ann Davis, of Barton-alley, in the city of Bristol, spirit-dealer.—Official assignee, Miller.—Sol. Castle, Bristol. Fiat, July 27. Pet. Crs. Robert Castle and William Jones, of Bristol, distillers.

KING John, of Helmsley, in the county of York, surgeon, apothecary, *d. c.*—Official assignee, Hope.—Sols. Rushworths, Staple Inn, Jackman, York, and Harle & Clarke, Leeds. Fiat, July 24. Bankrupt's own petition.

LABY James, and Thomas James Laby, of Barking, in the county of Essex, coal and provision merchants, *d. c.*—Official assignee, Groom.—Sols. Wilkinson & Rasch, Nicholas-lane. Fiat, Aug. 3. Pet. Cr. Emanuel Cooper, of Lombard-street, banker.

MANNOUCH Thomas, of Faversham, in the county of Kent, corn-dealer, town-carter and carrier, *d. c.*—Official assignee, Cannan.—Sols. Bower & Co. Chancery-lane, and Bathurst, Faversham. Fiat, Aug. 4. Pet. Cr. William Phillips, of Faversham, corn-dealer.

MOODY William, of High-street, Aldgate, in the city of London, tailor and draper.—Official assignee, Groom.—Sol. Haynes, Symond's Inn. Fiat, Aug. 4. Pet. Cr. William Henry Ogden, of Basinghall-street, merchant.

PALMER Edward, of Brighton, in the county of Sussex, common brewer and coal-merchant.—Official assignee, Cannan.—Sol. Vyner, Lincoln's Inn-fields. Fiat, Aug. 4. Bankrupt's own petition.

PEARSON Thomas, of Birmingham, in the county of Warwick, cut-nail manufacturer, *d. c.*—Official assignee, Whitmore.—Sols. Motteram & Co. Birmingham. Fiat, July 27. Pet. Crs. Joseph Maybury, of Wednesbury, iron-manufacturer, and Henry Pitt, his copartner.

RIDLEY Edward, of Leicester, in the county of Leicester, linen-draper and mercer, *d. c.*—Official assignee, Whitmore.—Sol. Jones, Sise-lane. Fiat, July 28. Pet. Crs. William Smith, William Leaf, James Coles, Michael Brankstone, and William Sadler Leaf, of Old Change, warehousemen.

SAYER John, and William Sayer, of No. 50, High-street, Portland-town, in the parish of St. Marylebone, in the county of Middlesex, oil and colour men and copartners.—Official assignee, Whitmore.—Sols. Tucker & Co. Sun Chambers, Threadneedle-street. Fiat, July 31. Bankrupt's own petition.

WORTHY Johnson, of Hartlepool, in the county of Durham, builder, *d. c.*—Official assignee, Baker.—Sols. Forster, Newcastle, Turnbull, Hartlepool, and Meggison & Co. King's-road, Bedford-row. Fiat, July 20. Pet. Cr. James Davison, of Hartlepool, builder.

CERTIFICATES to be allowed August 27.

Burkinshaw Richard, Sheffield, share-broker.

Chadwick James, of Heywood, cotton-spinner, (partner with Samuel and John Chadwick).

Cunningham Samuel, of Minerva-street, Hackney-road, sawyer.

Gass Joseph, of Colchester, draper.

Lees Robert, of Bottoms, cotton-spinner.

Phillips Hugh, of Tothill-street, draper.

Webb Henry, of Stafford, porter dealer.

Whitby James, of Lynn, grocer.

DIVIDENDS.

Date of Fiat.

1847, **BLASHFIELD** John Marriott, of Albion Wharf, Blackfriars, Surrey, cement-manufacturer and builder; div.

1845, **DAVIES** Thomas, of Liverpool, Lancashire, merchant and commission-agent; second div.

1847, **FUGLER** William, of Lawrence-lane, Cheapside, London, Manchester warehouseman; div.

1844, **OSBORNE** Benjamin, of Sheffield, Yorkshire, table-knife manufacturer; first and final div.

Gazette, Tuesday, August 10.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

COOKE William Tomlin, of Aylsham, ironmonger.

TOWN AND COUNTRY FIATS.

ALLETSON Thomas, now or late of Rumsford-place, Liverpool, in the county of Lancaster, and of Boughton House, near Chester, in the county of Chester, drysalter, *d. c.*—Official assignee, Morgan.—Sols. Wilde & Co. College-hill, and Duncan & Radcliffe, Liverpool. Fiat, July 30. Pet. Cr. Robert Bell, of No. 112, Bishopsgate-street Within, esq., on behalf of the National Provincial Bank of England.

BAKER Richard, of Cheapside, in the city of London, tailor, draper, *d. c.*—Official assignee, Whitmore.—Sol. Lloyd, Milk-street. Fiat, Aug. 6. Pet. Crs. Octavius Wood, Francis Watson Coates, and John Ingle, of Wood-street, warehousemen.

BEAUMONT William, of Rotherham, in the county of York, grocer and provision dealer, *d. c.*—Official assignee, Freeman.—Sols. Pope, Gray's Inn-square, and Badger, Rotherham. Fiat, Aug. 3. Bankrupt's own petition.

HILL Thomas, of Liverpool, in the county of Lancaster, ironmonger, *d. c.*—Official assignee, Cazenove.—Sols. Chester & Co. Staple Inn, and Mallaby & Co. Liverpool. Fiat, Aug. 4. Pet. Cr. George Rae, of Liverpool, gent., on behalf of the North and South Wales Bank.

HOEFLE John, of Manchester, in the county of Lancaster, commission-merchant, *d. c.*—Official assignee, Hobson.—Sols. Abbott, Charlotte-street, and Slater, Manchester. Fiat, Aug. 3. Bankrupt's own petition.

HOLDSWORTH James, of Lidget, in Northowram, in the parish of Halifax, in the county of York, farmer, stone-dealer, and merchant, *d. c.*—Official assignee, Young.—Sols. Bower & Co. Chancery-lane, Mitchell, Halifax, and Courtenay, Leeds. Fiat, Aug. 3. Bankrupt's own petition.

HURDLE Samuel, of Hazelbury Bryan, in the county of Dorset, cheese-factor, innkeeper, *d. c.*—Official assignee, Hirtzel.—Sols. Dashwood, Sturminster, Furlong & Tucker, Exeter, and Warry & Crammond, New Inn. Fiat, July 27. Pet. Crs. Thomas Bart Jennings and William Jennings, his partner, of Marnhall, Dorsetshire, farmers.

JORDAN John, James White, and John Lewis Aldridge, of Coventry, in the county of Warwick, brewers and maltsters, *d. c.*, and copartners in trade.—Official assignee, Whitmore.—Sol. Harding, Birmingham. Fiat, July 30. Pet. Crs. Joseph William Branton, of Newark, and William Henry Branton, his copartner, maltsters.

OSBORN James, of Oakham, in the county of Rutland, glass and china dealer, *d. c.*, but now a prisoner for debt in the county goal of Oakham, in and for the county of Rutland.—Official assignee, Cannan.—Sols. Coverdale & Co. Bedford-row. Fiat, July 31. Bankrupt's own petition.

RATCLIFF John, of Derby, in the county of Derby, wine and spirit merchant, *d. c.*—Official assignee, Bittleston.—Sols. Hine & Robinson, Charterhouse-square. Fiat, Aug. 3. Pet. Crs. Charles Gordon, sen. and jun., surviving partners of William Knight, deceased.

SALPH Robert Powell, of Salisbury in the county of Wilts, hatter, *d. c.*—Official assignee, Whitmore.—Sol. Murdoch, Furnival's Inn. Fiat, July 30. Pet. Cr. Joseph Venables, of No. 123, London-wall, hat and cap manufacturer.

SHACKEL Edward Goddard, of No. 159, Leadenhall-street, in the city of London, grocer and tea-dealer.—Official assignee, Whitmore.—Sols. Messrs. Wright & Bonner, London-wall. Fiat, Aug. 7. Pet. Cr. William Wilde, of No. 3, Commercial Sale Rooms, Mincing-lane, sugar-broker.

THOMSON Thomas, and William Sabin, of the Rochester Brewery, Rochester-row, in the county of Middlesex, brewers, copartners, *d. c.*—Official assignee, Cannan.—Sol. Burbridge, Hatton-garden. Fiat, July 27. Pet. Cr. Edwin Morgan, of High-street, Southwark, hop-merchant.

WARD William, of Liverpool, in the county of Lancaster, cloth-dealer and licensed victualler.—Official assignee, Bird.—Sols. Chester & Co. Staple Inn, and Avison & Pritt, Liverpool. Fiat, Aug. 4. Bankrupt's own petition.

CERTIFICATES to be allowed August 31.

Berryman George, of Staines, victualler.

Blashfield John Marriott, of Albion Wharf, Blackfriars, cement manufacturer and builder.

Cox Henry Blackburn, of Coventry, victualler.

Flower Henry, of Barge-yard Chambers, Bucklersbury, and Regent-square, bookseller.

Freeman Joseph Howard, of Birmingham, builder.

Scott Jeremiah, of Leeds, share-broker.

Simpson John, of Old Change, carrier, (partner with William Tunley and Richard Smith Potts).

Skelton Thomas Henry, of Southampton, printer.

Sword Robert, of Newcastle, draper.

Whitelaw James, and Thomas Whitelaw, of Litchfield-street and Store-street, builders.

DIVIDENDS.

Date of Fiat.

1842, **MARSH** Robert, of Upholland, Lancashire, provision-dealer and victualler; div.

1846, **NORMAN** Matthew, the younger, of Richmond, Yorkshire, cabinet-maker, upholsterer and building contractor; second div.

1846, **POTTER** John, of Manchester, Lancashire, portable weighing machine and scale-beam maker; div.

1844, **WOODHEAD** Joseph, and John Woodhead, both of Bradford, Yorkshire, worsted-stuff manufacturers, carrying on business under the firm of Joseph Woodhead & Co.; third div.

Gazette, Friday, August 13.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BARTLETT Arthur, of Hill and Sidford, in the parish of Millbrook, in the county of Southampton, fly proprietor, *d. c.*—Official assignee, Whitmore.—Sol. Paterson, Bouverie-street. Fiat, Aug. 9. Bankrupt's own petition.

BEWLAY Charles Richard, of Leamington Priors, in the county of Warwick, grocer, dealer in glass, china-ware, *d. c.*—Official assignee, Valpy.—Sols. Motteram & Knowles, Birmingham. Fiat, July 20. Pet. Cr. John Watson, of Birmingham, provision-merchant.

BROOKS Thomas, of No. 37, Hoxton Old-town, in the county of Middlesex, baker, *d. c.*—Official assignee, Whitmore.—Sol. Buchanan, Basinghall-street. Fiat, Aug. 5. Bankrupt's own petition.

CARROLL Alexander, the younger, of No. 334, Strand, in the county of Middlesex, newspaper proprietor, printer and publisher, *d. c.*—Official assignee, Cannan.—Sol. Warrant, Skinner-street, Snow-hill. Fiat, Aug. 11. Bankrupt's own petition.

HOME Thomas Williams, late of No. 4, Albemarle-street, Piccadilly, but now of No. 20, Pelham-terrace, Brompton, both in the county of Middlesex, hotel-keeper, perfumer, *d. c.*—Official assignee, Cannan.—Sol. Farrar, Doctors' Commons. Fiat, July 24. Bankrupt's own petition.

JOHNSTON Joseph, of Liverpool, in the county of Lancaster, flour-dealer and bread-baker.—Official assignee, Turner.—Sols. Johnson & Co. Temple, and Dewhurst, Liverpool. Fiat, July 30. Bankrupt's own petition.

JOLLEY William, of No. 7, Charing-cross, in the parish of St. Martin in the Fields, Westminster, in the county of Middlesex, poulterer, *d. c.*—Official assignee, Edwards.—Sol. Kennedy, Chancery-lane. Fiat, Aug. 5. Bankrupt's own petition.

MARKS Thomas, of No. 3, Redland-terrace, in the parish of Westbury-upon-Trym, in the city and county of Bristol, carpenter and builder.—Official assignee, Acraman.—Sol. Crosby, Bristol. Fiat, Aug. 9. Bankrupt's own petition.

PEARSE William, of St. Tuyde, in the county of Cornwall, surgeon and apothecary, *d. c.*—Official assignee, Hernaman.—Sols. Stogdon, Exeter, and Keddell & Co. Lime-street. Fiat, Aug. 9. Bankrupt's own petition.

TAYLOR Silas, of Albion House, Chapel-place, Tonbridge Wells, in the parish of Tonbridge, in the county of Kent, plumber, painter, and glazier, *d. c.*—Official assignee, Cannan.—Sol. Buchanan, Basinghall-street. Fiat, Aug. 9. Bankrupt's own petition.

TURNER Abraham, of Huddersfield, in the county of York, grocer, *d. c.*—Official assignee, Young.—Sols. Crocker, Chancery-lane, Higham, Brighouse, and Bond & Barwick, Leeds. Fiat, July 22. Pet. Cr. Elkanah Aspinall, of Halifax, stone-merchant.

WHITTAKER Thomas, of Church-street, in Manchester, in the county of Lancaster, warehouseman, *d. c.*—Official assignee, Pott.—Sols. Spinks, Great James-street, and Cobbett, Manchester. Fiat, July 20. Pet. Cr. Benjamin Syddall, of Manchester, silk-manufacturer.

CERTIFICATES to be allowed September 3.

Bell James, of Finch-lane, news-vender, (partner with Mary Elizabeth Bell, widow).

Bradford William George, of Bucklersbury, tailor.

Butterworth James, of Rochdale, cotton-manufacturer.

Cooke Thomas Taplin, of Manchester, bill-vender.

Edge William, and **Samuel Edge**, of Fenton, earthenware manufacturers.

Fay Tullius Priest, of Liverpool, dentist.

Hardwick Thomas, and **Winter Hardwick**, of Leeds, auctioneers.

Hibbins Robert, of Ketton, mason.

Lund Robert, of Blackburn, cotton-spinner.

Palmer William, of the Strand, hosier.

Payne George David, of Saville-row, tailor.

Robinson James, of Manchester, perfumer.

Still Robert, of Liverpool, merchant.

Trotman Simon Lee, of Liverpool, merchant.

Vyse Charles, of Ludgate-street, straw-bonnet maker.

Williams David, of Ruthin, cattle-salesman.

Youle William, of Adde-street, commission-agent, (in partnership with Alexander M'Donald and Horatio Joseph Canning).

DIVIDENDS.

Date of Fiat.

1846, **BARRETT** Thomas, of the Ham Mills, in Stroud, Gloucestershire, general wood turner; div.

1841, **HOPKINS** James, and **John Drewitt**, both of Arundel, Sussex, bankers; div.

1845, **LYON** William Hope, of Liverpool, Lancashire, cotton-broker and merchant; div.

1847, **SHEPHERD** Joseph, and **Benjamin Shepherd**, of Exeter, wine and spirit merchants; div.

1846, **WRIGHT** Thomas, of Derby, cheese-factor, trading under the name, style, or firm of **John Wright & Co.** as a cheese-factor; div.

Gazette, Tuesday, August 17.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

GALE George, of Winchester, in county of Southampton, corn-chandler, *d. c.*—Official assignee, Whitmore.—Sol. Guillaume, Bucklersbury. Fiat, Aug. 11. Bankrupt's own petition.

GISBURNE Robert, of Newcastle-upon-Tyne, bookseller, stationer, *d. c.*—Official assignee, Baker.—Sols. Ingledew, Newcastle, and **Williamson & Hill**, Great James-street. Fiat, Aug. 9. Bankrupt's own petition.

HOLMES William East, and **William Butcher**, of the city and county of Lichfield, coach-builders.—Official assignee, Valpy.—Sols. Gem & Docker, Birmingham. Fiat, Aug. 5. Pet. Crs. **John Lowe**, of Birmingham, and **Henry Lowe**, coach-platers.

LEWIS Charles, of Standgate-street, Lambeth, in the county of Surrey, tin-plate manufacturer and shower-bath manufacturer.—Official assignee, Cannan.—Sol. Lloyd, Milk-street. Fiat, Aug. 13. Pet. Cr. **John Denyer Rock**, of White Hart-court, Lombard-street, merchant.

PARKES Richard, late of Birmingham, in the county of Warwick, but now residing at Edgbaston, in the said county, wine-merchant, *d. c.*—Official assignee, Whitmore.—Sols. Motteram & Knowles, Birmingham. Fiat, Aug. 9. Pet. Cr. **Augustus Yeates**, of Birmingham, gentleman.

PITCHER William Henry, of No. 6, Guildford-street, Russell-square, in the county of Middlesex, *d. c.*—Official assignee, Belcher.—Sols. Walker & Gridley, Southampton-street. Fiat, Aug. 13. Bankrupt's own petition.

SMITH Thomas, of Temple-street, in the parish of Temple, otherwise Holy Cross, in the city and county of Bristol, timber-dealer, grocer, *d. c.*—Official assignee, Miller.—Sols. Maples & Co. Old Jewry, and **Salmon**, Bristol. Fiat, Aug. 9. Bankrupt's own petition.

TREWICK Joseph, the younger, of the borough and county of Newcastle-upon-Tyne, draper.—Official assignee, Wakley.—Sols. **Chisholme & Co.** Lincoln's Inn-fields, and **Harle**, Newcastle. Fiat, Aug. 9. Bankrupt's own petition.

WAIN William, of Manchester, in the county of Lancaster, pocket-book maker and stationer, *d. c.*—Official assignee, Hobson.—Sols. **Abbott**, Charlotte-street, and **Goulden**, Manchester. Fiat, Aug. 9. Bankrupt's own petition.

YATES John, of Redditch, in the county of Worcester, victualler, *d. c.*—Official assignee, Valpy.—Sol. **Powell**, Birmingham. Fiat, Aug. 11. Bankrupt's own petition.

CERTIFICATES to be allowed September 7.

Bourdon Jacques Louis, and **Peter Joseph Mensens**, of Finch-street, Whitechapel, sugar-refiners, (partners with **Edme Alexandre**).

Chappel James, of Leeds, earthenware-manufacturer, (partner with **Stephen Chappel**).

Geach William Jane, of St. Columb Major, auctioneer.
 Herbert James, of Llanelly, grocer, (partner with Sarah James).
 Howe George Frederick, of Chester-place, Kennington, and Calcutta, merchant.
 Jones Edward, jun., of Watling-street, and Pickford Mills, paper manufacturer.
 Noyes William Henry, of Longparish, baker.
 Parker James, of Clapham, corn-dealer.
 Perry Charles Henry, of Liverpool, baker.
 Shea John, of Aldermanbury, warehouseman.
 Tranter James, jun., of Uttoxeter, timber-merchant.
 Walker Richard, of Liverpool, agent and ship-broker, and of Beddgelert, quarryman.

DIVIDENDS.

Date of Fiat.

- 1835, BASAN Caleb, and Thomas George Bayntun, of No. 315, Strand, Middlesex, licensed victuallers and wine-merchants; div. of Basan.
- 1846, CORLESS Prescott, of Wigan, Lancashire, tea-dealer and grocer; div.
- 1845, CURRIE John, and Louis Elize Seignette, of Mincing-lane, London, merchants; joint div.
- 1841, DUNCAN Angus, and Charles Duncan, both of Tokenhouse-yard, London, merchants, trading under the firm of Duncan, Brothers; final div.
- 1847, FURBY John, and Robert Stockton, of No. 35, Sackville-street, Piccadilly, Middlesex, tailors; div.
- 1847, HAYWARD William, of Ashford, Kent, butcher; div.
- 1847, HEARD David, the elder, of Barking, Essex, smack-owner, carpenter and builder; div.
- 1846, HOWARD Philip, of Hingham, Norfolk, wine-merchant; div.
- 1847, JONES Ray Joseph, of Basingstoke, Southampton, tailor; div.
- 1847, KEELER Edward, of St. Alphage, Canterbury, dealer in glass and earthenware; div.
- 1841, MARSHALL Beaumont, of High Holborn, Middlesex, tallow-melter, trading under the firm of John Marshall & Sons; div.
- 1846, METFORD Joseph, the younger, of Southampton, iron-monger; div.
- 1845, PIERCE Thomas Cary Willard, and Gilson Homan, both of Stevenson's-square, in Manchester, Lancashire, merchants, trading under the firm of Pierce & Homan; first div.
- 1847, SHARP George, and Samuel Sharp, both of No. 30, Commercial-road, Lambeth, Surrey, stone-masons and merchants; joint div.
- 1828, SWALWELL Mary, of Kensington Gravel-pits, Kensington, Middlesex, schoolmistress, bookseller and stationer; fur. div.
- 1846, WRIGHT Thomas of Derby, cheese-factor, trading under the name, style, or firm of John Wright & Co., as a cheese-factor at Derby aforesaid; div.

Gazette, Friday, August 20.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ARMSTRONG William, of the city of Norwich, draper, *d. c.*—Official assignee, Pennell.—Sols. Wood & Fraser, Dean-street, Soho. Fiat, Aug. 20. Pet. Cr. William Sidney Wheeler, of Ludgate-street, warehouseman.
- BRISTOW William, of Marchmont-street, Brunswick-square, in the county of Middlesex, grocer, *d. c.*—Official assignee, Whitmore.—Sols. Weir & Smith, Coopers' Hall. Fiat, Aug. 9. Bankrupt's own petition.
- BUNDEY James, of Lower Exbury, in the county of Southampton, brickmaker, *d. c.*—Official assignee, Cannan.—Sol. Fitch, Southampton-street. Fiat, Aug. 19. Pet. Cr. Anna Lockyer, of Exbury, Hants, widow.

GOODALL William, now or lately residing at the Heath, in the township of Skircoat, in the parish of Halifax, in the county of York, and Benjamin Hopkinson Bates, also lately residing at Halifax, in the county of York, but now at Bidston, in the county of Chester, and now or lately carrying on business together in co-partnership, at the Heath, in the township of Skircoat, in the parish of Halifax aforesaid, under the style or firm of Isaac Goodall & Sons, as cloth-merchants and manufacturers.—Official assignee, Freeman. Sols. Gregory & Son, Clement's Inn, Pickup, Bradford, and Bond & Barwick, Leeds. Fiat, July 19. Pet. Cr. John Hall, of Calverley, cloth-manufacturer.

HILLMAN John, of Friars-street, in the city of Worcester, grocer.—Official assignee, Whitmore.—Sols. Finch, Worcester, and Motteram & Knowles, Birmingham. Fiat, Aug. 11. Bankrupt's own petition.

HILLS John, of Billericay, in the county of Essex, auctioneer, appraiser, *d. c.*—Official assignee, Cannan.—Sol. Skinner, Barnard's Inn. Fiat, Aug. 13. Bankrupt's own petition.

NEATE Charles Edward, of the Creek Wharf, Hammersmith, in the county of Middlesex, coal and corn merchant, *d. c.*—Official assignee, Cannan.—Sols. Meredith & Co. Lincoln's Inn. Fiat, Aug. 13. Pet. Cr. Philip Reeve, of Lincoln's Inn-fields, gent.

PECK Robert, of the borough and county of Newcastle-upon-Tyne, grocer and tea-dealer, *d. c.*, trading under the firm of Robert Peck & Company.—Official assignee, Wakley.—Sols. Sudlow & Co. Chancery-lane, and Wailes, Newcastle. Fiat, Aug. 13. Bankrupt's own petition.

POPE Thomas, late of Cockspur-street, Charing-cross, in the city of Westminster, and county of Middlesex, and of Lombard-street, in the city of London, coal-merchant, and afterwards of Kidbrooke, near Blackheath, in the county of Kent, cowkeeper and milkman, *d. c.*—Official assignee, Whitmore.—Sols. Williamson & Co. Great James-street, and Richardson & Co. York. Fiat, Aug. 6. Pet. Cr. Thomas Price, of Clementhorp, Yorkshire, public officer of the York and County Banking Company.

REILLY John, of Wolverhampton, in the county of Stafford, grocer and provision dealer, *d. c.*—Official assignee, Christie.—Sols. Foster & Gough, Wolverhampton. Fiat, Aug. 5. Bankrupt's own petition.

ROBERTS Robert Wright, of Liverpool, in the county of Lancaster, builder, plumber, *d. c.*—Official assignee, Turner.—Sols. Johnson & Co. Temple, Grocott, Liverpool, and Pemberton, Liverpool. Fiat, Aug. 9. Bankrupt's own petition.

SAMPSON William, of Sheffield, in the county of York, wholesale spirit merchant, grocer and flour-dealer.—Official assignee, Freeman.—Sols. Tattersall, Great James-street, Broadbent, Sheffield, and Blackburn, Leeds. Fiat, Aug. 13. Bankrupt's own petition.

STOREY John, of Monkwearmouth, in the borough of Sunderland, in the county of Durham, rope-manufacturer, ship-owner, *d. c.*—Official assignee, Baker.—Sols. Messrs. Wright, Sunderland, and Maples & Co. Frederick's-place. Fiat, Aug. 9. Bankrupt's own petition.

TOTTERDELL Edward Marshall, and John Gruchy, of Queen-street, Portsea, in the county of Hants, woollen-draper and co-partners, *d. c.*—Official assignee, Whitmore.—Sols. Sole & Turner, Aldermanbury. Fiat, Aug. 7. Pet. Cr. John Wreford, Samuel Wreford, and John Dunstan Wreford, of Aldermanbury, warehousemen.

WESTON Robert, of Manchester, in the county of Lancaster, musical instrument and music-seller, *d. c.*—Official assignee, Fraser.—Sols. Vincent, Temple, and Simpson, Manchester. Fiat, Aug. 13. Bankrupt's own petition.

CERTIFICATES to be allowed September 10.

- Blackmore Philip, of Little James-street, saddler.
 Bosustow Richard, of Redruth, grocer.
 Buchanan John, and Francis Ede, of Calcutta, merchants.
 Chappel Stephen, of Leeds, earthenware manufacturer, (partner with James Chappel).
 Harland John, of Marrick, banker.
 Harvey John, of Liskeard, assayer.
 Palmer Edward, of Great Surrey-street, agricultural agent.
 Prosser John, of Piccadilly and Knightsbridge, jeweller.
 Saffran Henry Joseph Edward, of Huddersfield, merchant.

DIVIDENDS.

Date of Fiat.

- 1847, COWPER William Frederick, Benjamin Farrar Cowper, and Paul Edwin Cowper, of Darlington, Durham, linen-draper; final joint div.
- 1817, GRAY Benjamin, James Gray, Robert Wilson, and James Richardson, then late carrying on trade as merchants in London, under the firm of Benjamin Gray & Co., and which said Benjamin Gray, James Gray, and Robert Wilson, then also late carried on trade as merchants at Liverpool, Lancashire, under the firm of Grays, Wilson & Co.; sep. div. of James Gray.
- 1847, HITCHINS John, of Chichester-place, Gray's Inn-road, and Upper Whitecross-street, both in Middlesex, leather-seller; div.
- 1847, JUDD John, of Brynmawr, Brecon, shopkeeper; div.
- 1847, LONGSDON Lewis, of Barnet, Hertfordshire, coach-builder; div.
- 1840, MILNER John Turner, and Colley Bedford, of Kingston-upon-Hull, confectioners, carrying on business under the firm of John Turner, Milner & Co.; the said Colley Bedford also carrying on business on his own separate account, as a tailor and draper; final sep. div. of Bedford.
- 1811, OGILVIE Charles, and William MacNeille, both of Liverpool, Lancashire, soap-manufacturers; div. of Ogilvie.
- 1865, WEBSTER John, and Joseph Harrison, both of Liverpool, Lancashire, merchants; sep. div. of Webster.

Gazette, Tuesday, August 24.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

FOSTER William, of Hollinwood, manufacturer.

TOWN AND COUNTRY FIATS.

BOWEN Henry, of the city of Coventry, clothier, draper, *d. c.*—Official assignee, Christie.—Sols. Mottram & Knowles, Birmingham. Fiat, Aug. 13. Pet. Cra. William Cook, William Cook, jun., Francis Cook, William Hocken, Edward Featon, and Groome Howes, of St. Paul's-churchyard, warehousemen.

DREW Harriet, of Bury St. Edmunds, in the county of Suffolk, spinster, milliner and dress-maker, *d. c.*—Official assignee, Belcher.—Sols. Milne & Co. Temple. Fiat, Aug. 16. Pet. Cra. Charles Evans Eyles, John Chicketts Hands, and Robert Wells, of Ludgate-street, warehousemen.

EVERETT Samuel Charles, and Henry Everett, of Mill-wall, Poplar, in the county of Middlesex, coopers and copartners in trade.—Official assignee, Whitmore.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Aug. 20. Pet. Cr. Edward Cross, of No. 15, Wandsworth-road, cooper.

JESSOP Adam, of Dewsbury, in the county of York, auctioneer and appraiser, furniture-broker, and dealer in ale and porter, *d. c.*—Official assignee, Hope.—Sols. Brodribb, Child's-place, Scholes, Dewsbury, and Harle & Clarke, Leeds. Fiat, Aug. 19. Bankrupt's own petition.

OAKLEY John, and Benjamin Oakley, of the town and county of the town of Southampton, builders and upholsterers.—Official assignee, Whitmore.—Sol. Barber, Furnival's Inn. Fiat, Aug. 20. Pet. Cra. William Hunter, John Ridley Hunter, and Edward Hunter, of Moorgate-street, upholsterers.

SAMPSON Thomas, of Nailsworth, in the county of Gloucester, grocer, *d. c.*—Official assignee, Acraman.—Sols. Baylis & Drewe, Basinghall-street, and Rickards & Thomas, Tewkesbury. Fiat, Aug. 19. Bankrupt's own petition.

TAVERNER John, of Nuneaton, in the county of Warwick, silk and ribbon manufacturer, *d. c.*—Official assignee, Valpy.—Sol. Towne, Devonshire-square. Fiat, Aug. 9. Pet. Cr. Thomas Payne, of Nuneaton, gent.

CERTIFICATES to be allowed September 14.

Burrell John, of Wakefield, surgeon.
Collins James, and John Collins, of Bath, jewellers.
Denyer William, of Little Hampton, plumber.

9. BANKR.—1847.

Dixon James, of Providence-place, Willow-walk, and of Spa-road, Bermondsey, millwright.
Evans John, of Pump-row, Old-street-road, paper-stainer.
Horne George, of Cheapside, bookseller, (partner with Alexander Macleod Burghes).
Sheffield William, and John Sheffield, of Bagnigge Wells-road, grocers.
Shipman Thomas, jun., and Benjamin Shipman, of Nottingham, lace-manufacturers, (partners with William Birks).
Sims William, of Great Queen-street, coach-maker.
Spray John, of Gedling, frame-smith.

DIVIDENDS.

Date of Fiat.

- 1845, ASHWORTH Andrew, of Haalingden, Lancashire, woollen-manufacturer; fur. and final div.
- 1847, AVANT Thomas, of Dawlish, Devonshire, upholsterer and cabinet-maker; div.
- 1846, BRETHERICK James, of Newlay, in Bramley, Yorkshire, dyer; div.
- 1846, BUDD Sally, of Newton Abbot, Devonshire, grocer; div.
- 1846, CHARKE Joseph, of Plymouth, Devonshire, innkeeper; div.
- 1846, DENT James, of Huddersfield, Yorkshire, cloth-merchant; div.
- 1847, GLOVER Robert, and Frederick Glover, both of Leeds, Yorkshire, dyers, trading under the firm of Robert and Frederick Glover; first div.
- 1846, GLOVER William, of Leeds, Yorkshire, woollen-manufacturer and merchant; div.
- 1847, HOLE George, of Watchett, in St. Decuman's, Somersetshire, coal-merchant; div.
- 1847, MARSHALL Lancelot, of Northallerton, Yorkshire, grocer; div.
- 1843, STOODLEY James, of Bridport, Dorsetshire, twine-manufacturer; div.
- 1847, WEBSTER George, of Staincross, in Roystone, Yorkshire, nail and bolt maker; div.

Gazette, Friday, August 27.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

SUTCLIFFE William, and William Leach, of Bradford, worsted-stuff manufacturers.

TOWN AND COUNTRY FIATS.

BEDELS William, of Leicester, in the county of Leicester, paper and general dealer, *d. c.*—Official assignee, Bittleston.—Sols. Vincent, Temple, and Hodgson, Birmingham. Fiat, Aug. 20. Pet. Cra. William Gates Adland and James Robert Evans, of Birmingham, paper-dealers.

BOWEN Henry, of the city of Coventry, clothier, draper, *d. c.*—Official assignee, Christie.—Sols. Jones, Sise-lane, and Mottram & Co. Birmingham. Fiat, Aug. 13. Pet. Cra. Groome Howes, William Cook, William Cook, jun., Francis Cook, William Hocken, and Edward Featon, of St. Paul's-churchyard, warehousemen.

CLAYTON George, late of the town and county of Newcastle-upon-Tyne, but now residing in the Albany-road, Camberwell, in the county of Surrey, auctioneer.—Official assignee, Belcher.—Sol. Lloyd, Milk-street. Fiat, Aug. 23. Bankrupt's own petition.

CROSSE Walter, of Liverpool, in the county of Lancaster, stock and share broker.—Official assignee, Bird.—Sols. Gregory & Co. Bedford-row, and Horner, Liverpool. Fiat, Aug. 19. Bankrupt's own petition.

DE VERVILLE Felice Bruer, of No. 6, Westbourne-crescent, Hyde-park, in the county of Middlesex, boarding-house keeper, *d. c.*—Official assignee, Cannan.—Sols. Rosser & Tamplin, Fenchurch-street. Fiat, Aug. 24. Pet. Cr. William Salmon, of Great James-street, Bedford-row, upholsterer.

FENTON John, of Ockbrook, in the county of Derby, hosier, *d. c.*—Official assignee, Bittleston.—Sol. Dunncliffe, Derby. Fiat, Aug. 17. Pet. Cra. John Johnson and John Walton, of Derby, silk-manufacturers.

GODDARD William, of the town and county of the town of Nottingham, hosier, *d. c.*—Official assignee, Bittleston.—Sol. Cowley, Nottingham. Fiat, Aug. 6. Pet. Crs. George Nelson Walsh and Thomas Windley, of Nottingham, silk-merchants.

HARPER John Alexander, sometimes heretofore trading under the name of John Alexander, and now trading under the name of John Middleton, of No. 34. Harrington-street North, Hampstead-road, in the county of Middlesex, lodging-house keeper.—Official assignee, Pennell.—Sols. Kingdom & Shephard, Clifford's Inn. Fiat, Aug. 23. Bankrupt's own petition.

HOBSON Joseph Taylor, of Liverpool, in the county of Lancaster, drysalter, *d. c.*—Official assignee, Cazenove.—Sols. Bridger & Blake, London-wall, and Dodge, Liverpool. Fiat, Aug. 21. Pet. Crs. John Edward Wright and Thomas Jenkinson, of Liverpool, brokers.

JONES Charles, of Birkenhead, in the county of Chester, printer, stationer and bookbinder, *d. c.*—Official assignee, Morgan.—Sols. Chester & Co. Staple Inn, and Mallaby & Co. Liverpool. Fiat, Aug. 23. Bankrupt's own petition.

MADDISON George, of Swaffham, in the county of Norfolk, grocer and tallow-chandler.—Official assignee, Cannan.—Sols. Abbott & Wheatley, Rolls-yard, and Miller & Son, Norwich. Fiat, Aug. 20. Pet. Crs. John Barber, sen. and jun., and Frederick William Thompson, of Norwich, grocers.

PERRIN Joseph, of the city of Hereford, in the county of Hereford, grocer, *d. c.*—Official assignee, Christie.—Sols. Wilde & Co. College-hill, and Rawlins, Birmingham. Fiat, Aug. 11. Pet. Cr. Robert Bell, of Bishopgate-street Within, one of the registered public officers of the National Provincial Bank of Ireland.

RAWLINS John, of Foley-place, in the county of Middlesex, coach-maker, *d. c.*—Official assignee, Whitmore.—Sol. Smith, Barnard's Inn. Fiat, Aug. 24. Pet. Crs. John Trovill and Thomas Armat, of Castle-street, Oxford-street, ironmongers.

ROBERTSON Charles, of No. 8, Leicester-place, Leicester-square, in the county of Middlesex, master-mariner and general merchant.—Official assignee, Whitmore.—Sols. Baxendale & Co. Austin-friars. Fiat, Aug. 24. Pet. Cr. George Nicholas, of Abchurch-lane, wine-merchant.

ROGERS Henry, late of Dixon-lane, in Sheffield, in the county of York, victualler, *d. c.*, a prisoner for debt in the castle of York.—Official assignee, Freeman.—Sols. Sudlow & Co. Chancery-lane, and Dixon, Sheffield. Fiat, Aug. 13. Pet. Cr. William Bradley, of Sheffield, brewer.

SHARPLES John, the elder, and John Sharples, the younger, carrying on business as cotton-spinners, at Daisyfield, near Blackburn, in the county of Lancaster, under the style or firm of John Sharples & Company.—Official assignee, Hobson.—Sols. Milne & Co. Temple, and Slater & Heelis, Manchester. Fiat, Aug. 30. Pet. Cr. John David Barton, of Rhodes, near Middleton, a partner in and registered public officer of the Manchester and Liverpool District Banking Company.

SIMPSON Thomas, of the Waterloo Inn, at the Westgate, in the town and county of Newcastle-upon-Tyne, innkeeper, *d. c.*—Official assignee, Wakley.—Sols. Radford, Newcastle, and Wilson, New Inn. Fiat, Aug. 19. Bankrupt's own petition.

SMITH William, of Idle, near Bradford, in the county of York, cloth-manufacturer, *d. c.*—Official assignee, Young.—Sols. Sudlow & Co. Chancery-lane, and Naylor, Leeds. Fiat, Aug. 13. Pet. Cr. Thomas Watson, of Leeds, woolstapler.

SPALDING James, of No. 3, Rose-crescent, in the borough of Cambridge, in the county of Cambridge, brasier and ironmonger.—Official assignee, Pennell.—Sols. Nicholls & Doyle, Bedford-row, and Bays, Cambridge. Fiat, Aug. 23. Bankrupt's own petition.

STEPHENSON John, of Horncastle, in the county of Lincoln, linen-draper, woollen-draper, hosier and haberdasher, *d. c.*—Official assignee, Stansfeld.—Sols. Tilson & Co. Coleman-street, and Wells & Smith, Hull. Fiat, Aug. 9. Bankrupt's own petition.

THOMPSON Henry, of Manchester, in the county of Lancaster, and of Nafferton, near Driffield, in the county of York, corn-merchant, miller and maltster, *d. c.*—Official assignee, Fraser.—Sols. Gregory & Co. Bedford-row, and Hitchcock & Co. Manchester. Fiat, Aug. 19. Bankrupt's own petition.

VAUGHAN William, of Ryde, in the Isle of Wight, in the county of Hants, chinaman, earthenware and glass dealer, *d. c.*—Official assignee, Belcher.—Sols. Long, Lawrence Pountney-hill, and Long, Ryde. Fiat, Aug. 23. Bankrupt's own petition.

WAKEFIELD Thomas, of the town and county of the town of Nottingham, merchant, manufacturer, *d. c.*—Official assignee, Bittleston.—Sol. Cowley, Nottingham. Fiat, Aug. 19. Pet. Cr. John Horsfall, of Nottingham, esq., one of the registered public officers of the Nottingham and Nottinghamshire Banking Company.

WINTON David, of Gutter-lane, in the city of London, commission-agent, *d. c.*—Official assignee, Turquand.—Sol. Lloyd, Milk-street.

CERTIFICATES to be allowed September 17.

Bentley Arthur, of Bury, iron-founder.
Dangerfield Alexander Daniel, of Salisbury-square, printer.
Hazard John Tincombe, of College-hill, paper-agent, (partner with Thomas Roberts).
Whittenbury James Caleb, of Blackheath-hill, builder.

DIVIDENDS.

Date of Fiat.

1835, ASHWORTH Andrew, of Haslingden, Lancashire, woollen-manufacturer; fur. and final div.
1847, LOVATT Henry, and William Hinde Larkman Corran, of Liverpool, Lancashire, merchants; first and fin. div. of Lovatt.
1847, PULLEIN John, the younger, of Selby, Yorkshire, brewer and maltster; div.
1846, TRING, Reading and Basingstoke Railway Company, now or late of No. 26, New Broad-street, London; final div.

Gazette, Tuesday, August 31.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ABBEY Richard, and James Smith, of Park-road Brewery, Acton-lane, Clapham, in the county of Surrey, brewers, *d. c.*—Official assignee, Edwards.—Sols. Fisher & De Jersey, Aldersgate-street. Fiat, Aug. 15. Pet. Crs. John Pike and H. Leake, of High-street, Southwark, hop-merchants.

BAGNALL George, of the town and county of Newcastle-upon-Tyne, music-seller, *d. c.*—Official assignee, Baker.—Sols. Menzies Cuator, Newcastle. Fiat, Aug. 23. Bankrupt's own petition.

BENBOW Thomas, of Llandiloes, in the county of Montgomery, draper, grocer, *d. c.*—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Blair, Manchester. Fiat, Aug. 18. Pet. Crs. Robert Chadwick, Mark Phillips, George N. Phillips, and Robert Phillips, of Manchester, merchants.

CLOUGH Simeon, of Bradford, in the county of York, woolstapler, trading under the style or firm of Simeon Clough & Company.—Official assignee, Hope.—Sols. Sudlow & Co. Chancery-lane, and Lee, Leeds. Fiat, Aug. 11. Pet. Cr. Benjamin Thornton, of Birstall, wool-merchant.

GUTTRIDGE William, the younger, of North End, Fulham, in the county of Middlesex, baker and corn-dealer, *d. c.*—Official assignee, Belcher.—Sol. Greaves, Furnival's Inn. Fiat, Aug. 28. Bankrupt's own petition.

HALL John, and Henry Hall, of Wooden Box, in the parish of Hartshorne, in the county of Derby, earthenware-manufacturers.—Official assignee, Bittleston.—Sol. Flewker, Derby. Fiat, Aug. 23. Bankrupts' own petition.

HOLFORD George, of Wolverhampton, in the county of Stafford, jeweller and silversmith.—Official assignee, Whitmore.—Sols. Phillips, Wolverhampton, and James, Birmingham. Fiat, Aug. 30. Pet. Crs. Henry and Joseph Harrison, of Birmingham, jewellers.

LYONS Morris, of Birmingham, in the county of Warwick, druggist, *d. c.*—Official assignee, Valpy.—Sol. Wright, Birmingham. Fiat, Aug. 23. Bankrupt's own petition.

PALEY Thomas, of the city of Durham, in the county of Durham, builder.—Official assignee, Wakley.—Sols. Chisholm & Co. Lincoln's Inn-fields, and Harle, Newcastle. Fiat, Aug. 23. Bankrupt's own petition.

PHILLIPS Charles, of Baptist Mills, in the city and county of Bristol, engineer, iron-founder, and agricultural implement maker, *d. c.*—Official assignee, Hutton.—Sol. Nash, Bristol. Fiat, Aug. 19. Bankrupt's own petition.

CERTIFICATES to be allowed September 21.

Berner Frederick, of West Kirby and Birkenhead, tea-dealer.
 Dunlop Archibald, of Lower Belgrave-place, Chester-square, land-agent.
 Fitch Samuel, of Writtle, maltster.
 Judd John, of Brynmawr, shopkeeper.
 Mather Joseph, of Rock Ferry, builder.
 Mathew James, of Carshalton, linen-draper.
 Trigwell John Joseph, of the Harrow-road, builder.
 Walford John, of Stamford, innkeeper.
 Williams Francis, of Wolstanton, grocer.

DIVIDEND.

Date of Fiat.

1847, PERRY Charles Henry, of Liverpool, Lancashire, baker and flour-dealer; final div.

Gazette, Friday, September 3.

BANKRUPTS.**BANKRUPTCY SUPERSEDED.**

MILLS Jesse, of Didmarton, draper.

TOWN AND COUNTRY FIATS.

ARMFIELD George, the younger, of Croydon, in the county of Surrey, coach-builder and harness-maker, *d. c.*—Official assignee, Whitmore.—Sols. Dykes, Lincoln's Inn-fields, and Drummond & Co. Croydon. Fiat, Aug. 31. Bankrupt's own petition.

BENNETT William, and Henry Selby Reeve, of the Duke of Clarence, London-road, in the county of Surrey, licensed victuallers and copartners in trade, *d. c.*—Official assignee, Graham.—Sol. Moon, Adam-street. Fiat, Aug. 28. Bankrupt's own petition.

CHALENER Sarah, now or late of Charles-street, Westbourne-terrace, in the county of Middlesex, milliner and dress-maker.—Official assignee, Cannan.—Sols. Wood & Fraser, Dean street, Soho. Fiat, Aug. 27. Pet. Crs. William King and William Watson Sheath, of Regent-street, linen-draper.

GILBERT John, of the Engine Works, Boston-street, Hackney-road, in the county of Middlesex, millwright and engineer.—Official assignee, Whitmore.—Sol. Barton, Buckingham-street, Strand. Fiat, Aug. 31. Bankrupt's own petition.

HADFIELD George, of Liverpool, in the county of Lancaster, and of Poulton-cum-Seacombe, in the county of Chester, paint and varnish manufacturer, *d. c.*—Official assignee, Turner.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Fisher & Stone, Liverpool. Fiat, Aug. 23. Bankrupt's own petition.

HAY William Darling, of the borough and county of Newcastle-upon-Tyne, bread and biscuit baker.—Official assignee, Baker.—Sols. Chisholme & Co. Lincoln's Inn-fields, and Harle, Newcastle. Fiat, Aug. 27. Pet. Cr. Alexander Bertram, of Newcastle, merchant.

HEWITT Henry Stevenson, of Waterloo, near Liverpool, in the county of Lancaster, hotel-keeper, *d. c.*—Official assignee, Turner.—Sols. Bridger & Co. London-wall, and Dodge, Liverpool. Fiat, Aug. 31. Bankrupt's own petition.

LARKMAN Edward Brooke, of No. 2, Wellington-terrace, Wandsworth-road, and of No. 7, Vauxhall-place, South Lambeth, both in the county of Surrey, coal-merchant, livery-stable keeper, *d. c.*—Official assignee, Cannan.—Sol. Smith, Barnard's Inn. Fiat, Aug. 28. Bankrupt's own petition.

MILLER George, of Whitby, in the county of York, innkeeper, *d. c.*—Official assignee, Stanfeld.—Sols. Walker, Furnival's Inn, and Blackburn, Leeds. Fiat, Aug. 20. Pet. Cr. Alfred Wood, of Crooked-lane, wine-merchant.

MORGAN James, of No. 52, Southampton-row, Russell-square, in the county of Middlesex, tailor, *d. c.*—Official assignee, Belcher.—Sol. Gresham, Castle-street. Fiat, Aug. 28. Bankrupt's own petition.

NORTH William Henry, of Liverpool, in the county of Lancaster, grocer, *d. c.*—Official assignee, Turner.—Sols. Skelbeck & Hall, Southampton-walks, and Thompson, Liverpool. Fiat, Aug. 31. Pet. Cr. John Appleton, of Liverpool, grocer.

UGDEN William, of Chorlton-upon-Medlock, within Manchester, in the county of Lancaster, flour-dealer, grocer, *d. c.*—Official assignee, Pott.—Sols. Johnson & Co. Temple, and Needham, Manchester. Fiat, Aug. 28. Bankrupt's own petition.

PYE Thomas, of King's-road, Chelsea, in the county of Middlesex, timber-merchant and coal-merchant, *d. c.*—Official assignee, Cannan.—Sols. Rixon & Sons, King William-street. Fiat, Aug. 28. Pet. Cr. Thomas Langton, of Belvedere-road, Lambeth, timber-merchant.

RAWLINSON William, of No. 4, George-street, Minories, in the city of London, draper, *d. c.*—Official assignee, Pennell.—Sols. Reed & Co. Friday-street. Fiat, Sept. 1. Bankrupt's own petition.

ROBINSON Benjamin, of Huddersfield, in the county of York, fancy-cloth manufacturer and merchant.—Official assignee, Freeman.—Sols. Sudlow & Co. Chancery-lane, and Floyd, Huddersfield. Fiat, July 26. Pet. Crs. Jonathan Mellor, of Almondsbury, woollen-cloth manufacturer, and Samuel Mellor, his co-partner.

SLATER Samuel, of Albemarle-street, Piccadilly, in the county of Middlesex, tailor, *d. c.*—Official assignee, Belcher.—Sol. Pike, Old Burlington-street. Fiat, Sept. 2. Pet. Crs. Thomas Foster and John Henry Findon Brown, of Vigo-street, Regent-street, woollen-draper.

THIES John, of No. 61, Old Broad-street, in the city of London, bread and biscuit baker, trader, *d. c.*—Official assignee, Cannan.—Sol. Taylor, Guildhall Chambers. Fiat, Aug. 23. Bankrupt's own petition.

WHINNEY Thomas, of the Union Arms, Panton-street, Haymarket, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Cannan.—Sol. Shaw, Queen-street. Fiat, Sept. 1. Bankrupt's own petition.

CERTIFICATES to be allowed September 24.

Evans Thomas, of Bath and Bristol, stock-broker.

Roberts Thomas, of College-hill, paper-agent, (partner with John Tidcombe Hazard).

Sandrinelli Giuseppe Quarto, of Bishop's-place, Brompton, merchant.

Twigg Charles, of Birmingham, button-maker.

Watson Denis, of Clitheroe, innkeeper.

DIVIDENDS.

Date of Fiat.

1846, BEATTIE Alexander, and Francis Macnaghten, of Nicholas-lane, Lombard-street, London, merchants, now or lately carrying on trade at the same place with Robert Arthur Fitzhardinge Kingscote and Atkinson Wilkin, under the firm of Beattie & Co.; div.

1842, COCKBURN James, of New Broad-street, London, merchant, trading under the firm of James Cockburn & Co.; div.

1847, WEBB Henry, of Stafford, porter-dealer; div.

Gazette, Tuesday, September 7.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

BALDY John Patey, of Devonport, in the county of Devon, apothecary, *d. c.*—Official assignee, Hirtzel.—Sols. Laidman, Exeter, and Clowes & Co. Temple. Fiat, Aug. 31. Bankrupt's own petition.

BONE Charles, of the Robin Hood, No. 9, Millbank-street, Westminster, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Pennell.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Sept. 3. Bankrupt's own petition.

BOLTON George, of Liverpool, in the county of Lancaster, stock and share broker, *d. c.*—Official assignee, Cazenove.—Sols. Gregory & Co. Bedford-row, and Horner, Liverpool. Fiat, Aug. 31. Bankrupt's own petition.

BUCKLAND William, of Chippenham, in the county of Wilts, innkeeper, carpenter, *d. c.*—Official assignee, Hutton.—Sols. Slack, Bath, and Bridges, Bristol. Fiat, Aug. 28. Bankrupt's own petition.

BURKITT Edward, of Lynn, in the county of Norfolk, corn-merchant.—Official assignee, Edwards.—Sols. Jones & Co. John-street, and Read, Mildenhall. Fiat, Aug. 4. Pet. Cr. John Seaber, of Burnt Fen, Mildenhall, Suffolk, farmer.

BURLEY Thomas, the elder, of Wolverhampton, in the county of Stafford, grocer, tea-dealer, *d. c.*—Official assignee, Christie.—Sols. Bloxham, Birmingham, and Burton, Powis-place, Queen's-square. Fiat, Aug. 28. Bankrupt's own petition.

CHANTLER Richard, of Pendleton, in the parish of Eccles, in the county of Lancaster, joiner and builder.—Official assignee, Pott.—Sols. Bower & Son, Chancery-lane, and Atherton, Manchester. Fiat, Aug. 20. Pet. Cr. William Jelly, of Eccles, plasterer.

COLE Henry, of Liverpool, in the county of Lancaster, hat-manufacturer, *d. c.*—Official assignee, Morgan.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Aug. 3. Bankrupt's own petition.

COWELL Richard Henry, of Leeds, in the county of York, paper-merchant.—Official assignee, Hope.—Sols. Rushworths, Staple Inn, and Sanderson, Leeds. Fiat, Aug. 31. Bankrupt's own petition.

DAWES James, of the city of Gloucester, tailor, *d. c.*—Official assignee, Hutton.—Sol. Smallridge, Gloucester. Fiat, Aug. 31. Bankrupt's own petition.

FAWCETT John, of Richmond, in the county of York, linen and woollen draper, watch-maker, *d. c.*—Official assignee, Hope.—Sols. Fiddee, Temple, Simpson, Richmond, and Barr & Co. Leeds. Fiat, Aug. 28. Bankrupt's own petition.

GWYNN William, of Dursley, in the county of Gloucester, druggist and tea-dealer, *d. c.*—Official assignee, Miller.—Sols. Bishop & Wells, Dursley. Fiat, Sept. 3. Bankrupt's own petition.

HAMMOND John, of Bognor, in the county of Sussex, ironmonger.—Official assignee, Pennell.—Sol. Taylor, Pavement, Finsbury. Fiat, Aug. 31. Pet. Crs. John Richards Jennings and Josh. Yes, of Birmingham, factors.

HILL Charles Gwatkin, of Preston and Blackpool, both in the county of Lancaster, artist, teacher of drawing, picture-dealer and lodging-house keeper, *d. c.*—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, Walker, Preston, and Atkinson & Co. Manchester. Fiat, Aug. 3. Bankrupt's own petition.

JACOBSON Edward, of Great St. Helens, in the city of London, merchant, trading under the firm of Jacobson, Brothers.—Official assignee, Pennell.—Sols. Hill & Matthews, Bury-court. Fiat, Aug. 27. Bankrupt's own petition.

JONES John, of the town of Ledbury, in the county of Hereford, brewer and corn-merchant.—Official assignee, Valpy.—Sols. Gregg, Ledbury, and Mottram & Knowles, Birmingham. Fiat, Aug. 27. Pet. Cr. James Jones, of Donnington, cider-merchant.

LICKMAN Henry Docker, late of Deansgate, in the borough of Manchester, in the county of Lancaster, but now residing in Hulme, within the said borough, laceman, hosier and glover, *d. c.*—Official assignee, Hobson.—Sols. Lever, King's-road, and Ackers, Manchester. Fiat, Aug. 28. Bankrupt's own petition.

MAYHEW Barnabas, and Frederick Smea, of the Phoenix Brewery, Bromley New-town, Bow-common, in the county of Middlesex, brewers and copartners in trade.—Official assignee, Pennell.—Sols. Lawrance & Flews, Old Jewry Chambers. Fiat, Aug. 27. Pet. Cr. James Mayhew, of Southampton-road, Lambeth, gent.

MILLER John, of Liverpool, in the county of Lancaster, saddler.—Official assignee, Bird.—Sols. Chester & Co. Staple Inn, and Tyrer, Liverpool. Fiat, Aug. 31. Bankrupt's own petition.

MORETON Henry William, of the town of Newport, in the county of Monmouth, ship and insurance broker and general commission agent, carrying on the said businesses at Newport aforesaid, under the style or firm of H. W. Moreton & Co.—Official assignee, Miller.—Sols. Wigglesworth & Co. Gray's Inn-square, and Callender, Bristol. Fiat, Aug. 30. Bankrupt's own petition.

PAVEY James, the elder, of the Hotwells, in the parish of Clifton, in the city and county of Bristol, mason.—Official assignee, Hutton.—Sols. Wigglesworth & Co. Gray's Inn-square, and Callender, Bristol.

SHAKESHAFT John, of Limekiln-lane, in the township of Tranmere, in the county of Chester, licensed victualler and builder.—Official assignee, Cazenove.—Sols. Frampton, Gray's Inn, and Hilliar, Birkenhead. Fiat, July 28. Bankrupt's own petition.

TAYLOR James, of No. 1. Pickett-place, Strand, in the county of Middlesex, and of No. 334. Strand aforesaid, printer.—Official assignee, Whitmore.—Sols. Hoigson & Co. Lincoln's Inn-fields. Fiat, Aug. 27. Pet. Cr. Daniel Gadsden, of Upper Wellington-street, Covent-garden, printer.

THOMAS William, of Catherine-street, Strand, in the county of Middlesex, publisher, advertisement-agent, *d. c.*—Official assignee, Whitmore.—Sols. Shield & Harwood, Queen-street. Fiat, Aug. 31. Pet. Cr. James Wilson, of No. 240, Strand, newspaper proprietor.

WOODS Henry, of Liverpool, in the county of Lancaster, victualler and cooper, *d. c.*—Official assignee, Morgan.—Sols. Cornthwaite & Adams, Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Sept. 3. Pet. Cr. Thomas Baty, of Liverpool, spirit-merchant.

CERTIFICATES to be allowed September 28.

Addison John Christopher, of Margaret-street, grocer.

Cole Henry, of Birkenhead, builder.

Cox Richard, of Chalford, stone mason.

Cremer John Thomas, of St. Mary Axe, merchant.

Kay William, William Mortimer, and Edward Fletcher, of Bury, brass and iron founders.

Weir Robert, of Harley-street, bookseller.

DIVIDENDS.

Date of Fiat.

1847, **BALLANTYNE** Robert, of Liverpool, Lancashire, merchant: joint div. of William and Anthony Atkinson, and sep. div. of Robert Ballantyne.

1846, **COOBAN** Edmundson, of Liverpool, Lancashire, common brewer; div.

1846, **CORBETT** John, of Mansfield, Nottinghamshire, wool-dealer, div.

1847, **KINDER** John, of Birkenhead, Cheshire, painter and paper-hanger; div.

1847, **LAYBOURNE** John, of Manchester, Lancashire, printer and stationer; div.

1845, **LOWE** William, of St. Augustine's Back, near College-green, Bristol, carrying on the business of an ivory and hardwood turner, at St. Augustine's Back, and on the Quay, Bristol; div.

1847, **McARDLE** Michael, late of Dundalk, in Louth, Ireland, but more recently of Liverpool, Lancashire, grocer; div.

1847, **SNAITH** Thomas, and George Snaith, of Bishop Auckland, Durham, ironmongers and plumbers; sep. divs.

1847, **TENCH** William, of Winlaton, Durham, grocer and draper: first div.

1847, **WELSH** John, of Carlisle, Cumberland, tailor and draper: first div.

1846, **WILKINSON** John, of Stockton-upon-Tees, Durham, wharfinger and ship-owner; fur. div.

Gazette, Friday, September 10.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BUSHELL Thomas, and George Bushell, of the city and county of Bristol, masons and stone-cutters and copartners.—Official assignee, Acraman.—Sol. Sabine, Bristol. Fiat, Aug. 28. Bankrupt's own petition.

COLDREY George Gage, of Lawrence-lane, in the city of London, merchant, *d. c.*—Official assignee, Pennell.—Sols. Ashurst & Son, Cheapside. Fiat, Aug. 31. Pet. Crs. John Dillon, James Morrison, Charles Morrison, John Kirsop, and George Brown, of Fore-street, warehousemen.

COX William, of Great George-street, Weymouth, in the county of Dorset, lath-maker and shopkeeper.—Official assignee, Hernian.—Sols. Mansfield & Andrews, Dorchester, and Stogdon, Exeter. Fiat, Aug. 31. Bankrupt's own petition.

DEWHIRST William, of Huddersfield, in the county of York, printer and stationer, *d. c.*—Official assignee, Stanfeld.—Sols. Williamson & Co. Great James-street, and Bond & Barwick, Leeds. Fiat, Sept. 4. Bankrupt's own petition.

HANDLEY Samuel, late of No. 6, Park-hill Cottages, Shepherd's-lane, Brixton, in the parish of St. Mary, Lambeth, in the county of Surrey, and now of No. 4. Manor-terrace, Shepherd's-lane aforesaid, builder and dealer in building materials.—Official assignee, Belcher.—Sol. Turnley, Walbrook. Fiat, Sept. 8. Bankrupt's own petition.

HENDERSON William, of Wolverhampton, in the county of Stafford, tin-plate manufacturer.—Official assignee, Whitmore.—Sols. Clarke & Sparrow, Wolverhampton, Capes & Stuart, Gray's Inn, and Mottram & Knowles, Birmingham. Fiat, Aug. 25. Pet. Cr. James William Weaver, of Wolverhampton, currier.

PEACEY George, and Samuel Mottley Bartlett, of Aldermanbury, in the city of London, warehousemen, traders, *d. c.* and copartners in trade, trading under the name, style, or firm of Peacey, Bartlett & Company.—Official assignee, Belcher.—Sol. Lloyd, Milk-street. Fiat, Sept. 2. Pet. Crs. Forrest Frew, James Howie Young, and John Flemmington, of Glasgow, muslin-manufacturers.

PICKARD John, of Midgley, in the parish of Thornhill, in the county of York, farmer and coal-dealer, *d. c.*—Official assignee, Young.—Sols. Broadribb, Child's-place, Scholes, Dewsbury, and Harle & Clarke, Leeds. Fiat, July 15. Pet. Crs. Charles Stockwell & William Pickard, of Kirkheaton, coal-proprietors.

PLAYER Joseph Cooper, of Dursley, in the county of Gloucester, draper, *d. c.*—Official assignee, Acraman.—Sols. Bishop & Wells, Dursley, and Messrs. Bevan, Bristol. Fiat, Aug. 31. Bankrupt's own petition.

RULE Alfred, of No. 102, Leadenhall-street, in the city of London, ship and insurance broker, *d. c.*—Official assignee, Bell.—Sols. Grogson & Kewell, Angel-court. Fiat, Sept. 4. Pet. Cr. John Cannon, of Bedford-place, Commercial-road East, gent.

SPERRING James, of Chippenham, in the county of Wilts, inn-keeper, carpenter, *d. c.*—Official assignee, Acraman.—Sols. Slack, Bath, and Bridges, Bristol. Fiat, Sept. 4. Bankrupt's own petition.

TURNER Alexander, of Addington-square, Camberwell, in the county of Surrey, brewer.—Official assignee, Pennell.—Sol. Archer, Gracechurch-street. Fiat, Sept. 8. Bankrupt's own petition.

WAYTE William, of Basford, in the county of Nottingham, iron and brass founder, *d. c.*—Official assignee, Freeman.—Sols. Wolston, Furnival's Inn, and Buttery & Son, Nottingham. Fiat, Aug. 31. Bankrupt's own petition.

WELLS Thomas, of Sudbury, in the county of Suffolk, confectioner.—Official assignee, Belcher.—Sols. Chilton & Co. Chancery-lane, and Gooday, Sudbury. Fiat, Aug. 31. Pet. Cr. Edward Wright, of Sudbury, grocer.

WHITEHEAD George, John Settle, John Smith, John Hyde, William Kelsall, James Holden, Thomas Barlow, Duncan Crighton, John Jones, Thomas Mallinson, William Foster, David Crighton, James Ashworth, William Hopwood, John Murgatroyd, and James Brown, all of Pendleton, near Manchester, in the county of Lancaster, severally members of the Manchester Industrial Society, and lately carrying on the business of cotton-spinners and manufacturers of power-loom cloth, in copartnership together at Hill's Croft Mill, in Pendleton aforesaid, heretofore under the style or firm of James Brown & Company, and subsequently under the style or firm of Crighton, Holden & Co.—Official assignee, Fraser.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, Aug. 26. Pet. Crs. William and Richard Ingham, of Halifax, card-manufacturers.

CERTIFICATES to be allowed October 1.

Avant Thomas, of Dawlish, upholsterer.
Blenkarne William, of Stockwell-park-road, builder.
Hall Joseph, of Carlisle, victualler.
Hills Edwin, of St. Mary's-road, Peckham, charcoal-burner.
Hughes James, of Toxteth-park, joiner.
Jones Josiah George, of Bridgewater, musical-instrument dealer.
Logsdon Lewis, of Barnet, coach-builder.
Powell Thomas Lambert, of Romsey, cabinet-maker.
Stamp Francis, of Hull, stock-broker and auctioneer.
Wild William, and Robert Wild, of Gigg, in Heap, bleachers.

[No Dividends advertised in this Gazette.]

Gazette, Tuesday, September 14.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BURGON Thomas Charles, of No. 11, Great St. Helens, Bishopsgate-street, in the city of London, drug and drysaltery broker, *d. c.*—Official assignee, Belcher.—Sol. Lewis, Clement's-lane. Fiat, Sept. 4. Bankrupt's own petition.

10. BANKR.—1847.

DEER Joseph, of No. 20, Bryanstone-street, Edgware-road, in the county of Middlesex, wheelwright.—Official assignee, Belcher.—Sol. Seard, Bedford-square. Fiat, Sept. 8. Bankrupt's own petition.

DUNLOP John, of No. 156, Dover-road, in the county of Surrey, and of Trindon, near Hartlepool, in the county of Durham, coal-merchant, *d. c.*—Official assignee, Pennell.—Sols. Keddell & Co. Lime-street. Fiat, Sept. 8. Bankrupt's own petition.

DUNN John Spencer, of the city of Coventry, in the county of Warwick, draper, *d. c.*—Official assignee, Christie.—Sols. Dewes & Son, Coventry, and Weeks, Cook's-court. Fiat, Sept. 4. Pet. Cr. Richard Warner, of Coventry, esq.

EDWARDS Henry, of Halifax, in the county of York, tea-dealer and grocer, *d. c.*—Official assignee, Young.—Sols. Blenkarne, Clement's-lane, and Bond & Barwick, Leeds. Fiat, Aug. 25. Pet. Cr. William Ashby, of Watling-street, wholesale tea-dealer.

HANSFORD Jacob, of High-street, Ventnor, in the parish of Newchurch, in the Isle of Wight, in the county of Southampton, upholsterer and cabinet-maker, *d. c.*—Official assignee, Belcher.—Sols. Braikenridge, Bartlett's-buildings, and Messrs. Cole & Russell, Ryde. Fiat, Sept. 11. Bankrupt's own petition.

HATFIELD John, the younger, of Southwell, in the county of Nottingham, victualler, butcher, *d. c.*—Official assignee, Bittleston.—Sols. Capes & Stuart, Gray's Inn, and Stenton, Southwell. Fiat, Sept. 4. Bankrupt's own petition.

HURLEY John, of Bristnall-fields, in the parish of Halesowen, in the county of Worcester, victualler, *d. c.*—Official assignee, Whitmore.—Sols. Spencer & Rollings, Birmingham. Fiat, Sept. 11. Bankrupt's own petition.

JENKYN Francis, of No. 3, Love-lane, in the city of London, corn-merchant.—Official assignee, Johnson.—Sol. France, Godliman-street. Fiat, Sept. 11. Bankrupt's own petition.

LANGDALE Sampson, the elder, and Sampson Langdale, the younger, of Stockton-upon-Tees, in the county of Durham, and of Yarm, in the county of York, coal-dealers and flour-merchants, *d. c.* and partners in trade.—Official assignee, Wakley.—Sols. Lawrence & Co. Old Fish-street, and Griffith & Creighton, Newcastle. Fiat, Sept. 2. Pet. Cr. Thomas Barnlett, of Billingham, farmer.

POPLE John Ensor, of the Duke of Gloster, Union-row, Newington Butts, in the county of Surrey, licensed victualler.—Official assignee, Pennell.—Sols. Parnell & Tanqueray, New Broad-street. Fiat, Sept. 10. Pet. Crs. Charles Tanqueray and John Samuel Tanqueray, of Vine-street, Bloomsbury, distillers.

TAYLOR Isaac Cleaver, of Change-alley, Cornhill, in the city of London, tailor, *d. c.*—Official assignee, Belcher.—Sols. Marden & Pritchard, Newgate-street. Fiat, Sept. 10. Pet. Crs. Richard Cove Randall, William Herbert Maund, Thomas James, and Charles Morris, of Cornhill, warehousemen.

WELCH Joseph Sandell, of St. James's-street, Westminster, in the county of Middlesex, printseller.—Official assignee, Pennell.—Sol. Gwynne, Temple Chambers. Fiat, Sept. 10. Pet. Cr. Thomas MacLean, of the Haymarket, printseller.

CERTIFICATES to be allowed October 5.

Berry Thomas William, of Manchester, hat-manufacturer.
Cox Charles, of Salford, wine-dealer.
Dean Richard, of Clitheroe, grocer and butcher.
England John, of Bath, grocer.
Gapp John, of Duke-street, Manchester-square, livery-stable keeper.
Hinchcliffe John, of Wakefield, carrier.
Hitchin Samuel, of Oxford-street, draper.
Humphries Moses, of Manchester, joiner.
Sime William, of Liverpool, block-maker.

DIVIDENDS.

Date of Fiat.

1847, **ALLISON Joseph**, of Penrith, Cumberland, bookseller and stationer; second and final div.
1837, **ATTWOOD Joseph**, of Newtown, in Rowley Regis, Staffordshire, chain-manufacturer and gun-barrel borer; div.
1820, **BRICE Worthington**, late of Bristol, merchant; div.
1846, **GILLENDER John**, of Sunderland, Durham, ironmonger; final div.
1846, **HALL Joseph**, of Carlisle, Cumberland, victualler and inn-keeper; final div.

Date of Fiat.

- 1846, HALLOWELL John, of Newcastle-upon-Tyne, maltster; first and final div.
- 1847, HUNTLEY Robert Elliott, of Newcastle-upon-Tyne, wine and spirit dealer; fur. div.
- 1847, JAMES Sarah, and Thomas Herbert, of Brynmaur, in Llanelly, Brecon, grocers and general shopkeepers, carrying on business under the styles or firms of Sarah James & Co. and James & Herbert; div.
- 1847, MASSEY John, of Etruria, Staffordshire, gasfitter and engineer; div.
- 1847, TYLER James, of Worcester, hop-merchant; div.

Gazette, Friday, September 17.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ARCHER Michael, and Thomas Halsall, of Liverpool, in the county of Lancaster, timber-merchants and joiners, *d. c.* and copartners.—Official assignee, Turner.—Sols. Bridger & Co. London, and Dodge, Liverpool. Fiat, Sept. 11. Pet. Cr. Thomas Dodge, of Liverpool, gent.
- BAKER Joseph, and John Baker, now or late of Fore-street, in the city of London, machinists and makers of implements in husbandry, *d. c.* and copartners in trade, and now or late of Cheapside, in the said city, tobacconists.—Official assignee, Whitmore.—Sol. Lloyd, Milk-street. Fiat, Sept. 2. Pet. Cr. Frederick Cowper, of Old Change, gent.
- CLAPHAM Thomas, of Liverpool, in the county of Lancaster, wholesale butcher.—Official assignee, Bird.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Sept. 10. Pet. Crs. Thomas Palmer and Cornelius Rooney, of Liverpool, cattle-salesmen.
- EVANS John, late of Netherton, in the county of Stafford, now of Odlington, in the county of Worcester, corn-dealer and dealer in horses, *d. c.*—Official assignee, Valpy.—Sols. Motteram & Knowles, Birmingham, and Smith & Co. Bedford-row. Fiat, Sept. 8. Bankrupt's own petition.
- GREATRIX William Hodgson, and John Taverner, of Nuneaton, in the county of Warwick, silk and ribbon manufacturers and copartners in trade, *d. c.*—Official assignee, Valpy.—Sols. Cowdell, jun., Hinckley, and James, Birmingham. Fiat, June 14. Pet. Cr. Joseph Bell, of Leicester.
- GREAM Charles, of Painswick, in the county of Gloucester, scrivener.—Official assignee, Acraman.—Sols. Brisley, Pancras-lane, and Witcheil, Stroud. Fiat, Sept. 8. Bankrupt's own petition.
- HALEY Jonas, of Batley Carr, in the parish of Dewsbury, in the county of York, machine-maker, *d. c.*—Official assignee, Young.—Sols. Sparham, Staple Inn, Sykes & Co. Milnes Bridge, and Sykes, Leeds. Fiat, Sept. 10. Pet. Crs. Joseph Brook, farmer, Abraham Sharp, farmer, and Thomas Sykes, cloth-finisher, all of Almondsbury.
- HOOKE John, of Southampton-street, in the parish of St. Giles, Camberwell, in the county of Surrey, builder, carpenter, *d. c.*—Official assignee, Belcher.—Sol. Harrison, New Inn. Fiat, Sept. 10. Pet. Cr. Robert Hayward, of Villa House, Walworth-common, gent.
- JACOB Joseph Phelps, of Church-street, in the parish of St. Giles, Camberwell, and of Bloxham-place, Camberwell-green, in the parish of Lambeth, in the county of Surrey, carpenter, builder and undertaker.—Official assignee, Belcher.—Sol. Silvester, Great Dover-street. Fiat, Sept. 8. Bankrupt's own petition.
- JONES James, of Birkenhead, in the county of Chester, chemist and druggist, *d. c.*—Official assignee, Cazenove.—Sols. Lowe, Chancery-lane, and Cross, Liverpool. Fiat, Sept. 10. Bankrupt's own petition.
- LAMBERT William, of No. 22, Great Titchfield-street, in the county of Middlesex, grocer, *d. c.*—Official assignee, Bell.—Sol. Knuckey, Wilmington-square. Fiat, Sept. 15. Bankrupt's own petition.
- LAW Richard, of Nos. 6 and 7, Portland-row, Camberwell, in the county of Surrey, pawnbroker.—Official assignee, Pennell.—Sol. Parson, Temple Chambers. Fiat, Sept. 10. Bankrupt's own petition.

LLOYD Adolphus Frederick, of No. 48, East-street, Brighton, in the county of Sussex, cook and confectioner.—Official assignee, Belcher.—Sols. Rickards & Walker, Lincoln's Inn-fields. Fiat, Sept. 11. Bankrupt's own petition.

MORRIS John, of Walsall, in the county of Stafford, saddlers'-ironmonger, *d. c.*—Official assignee, Whitmore.—Sols. Wilkinson & Co. Walsall. Fiat, Sept. 10. Pet. Cr. Edwin Sheldon, of Walsall, bridle-cutter.

SMITH William, now or late of Bramham, in the county of York, brick and tile maker, *d. c.*—Official assignee, Young.—Sols. Fiddy, Temple, and Barr & Co. Leeds. Fiat, Aug. 31. Pet. Cr. Edward Waud, of Leeds, coal-owner.

WILLIAMS William, of Kidwelly, in the county of Carmarthen, timber-merchant, brick-maker, coal and ironstone merchant, *d. c.*—Official assignee, Miller.—Sols. Surr & Co. Lombard-street, and Castle & Henderson, Bristol. Fiat, Sept. 4. Bankrupt's own petition.

CERTIFICATES to be allowed October 8.

- Andrew Edward, of Manchester, fustian-manufacturer.
- Clark Henry, of Watling-street, brush-manufacturer.
- Guyton William, jun., of Liverpool, late of New Zealand, merchant, (partner with John, Joseph, and Thomas Ridgway, and George Butler Earp).
- Keeler Edward, of Canterbury, glass-dealer.
- Machin Anthony, of Manchester, grocer.
- Morant Henry, of Connaught-terrace, fishmonger, late upholsterer and decorator.
- Orrell William, of Manchester, gum-manufacturer.
- Sugden John, of Bradford, butcher.
- Tantum William, of Nottingham, tobacco-dealer.
- Thomas James, of Gloucester, innkeeper.
- Thomas Charles, of Llivior, grocer.

DIVIDENDS.

Date of Fiat.

- 1847, EDMUNDS Edward, of Lowndes-street, Knightsbridge, Middlesex, and also of St. George's-place, Knightsbridge, hosiery and glover; div.
- 1846, GILL Richard, of Richmond, Yorkshire, grocer; second div.
- 1847, SERGEANT Richard, of Maidstone, Kent, oilman and British wine dealer; div.
- 1834, STRAKER John, George Walker, and Thomas Brown, of Jarrow, Durham, ship-builders; final joint div.

Gazette, Tuesday, September 21.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

JOHNSTON Joseph, of Liverpool, flour-dealer.

TOWN AND COUNTRY FIATS.

- COTTERILL Charles Forster, and William Henry Hill, of Walsall, in the county of Stafford, merchants, *d. c.* and copartners.—Official assignee, Whitmore.—Sol. Bolton, Wolverhampton. Fiat, Sept. 14. Pet. Cr. Edward Sheldon, of Sedgley, iron-founder.
- DAY Joseph Jennings, of Liverpool, in the county of Lancaster, ship-broker, *d. c.*—Official assignee, Morgan.—Sols. Johnson & Co. Temple, and Grocott, Liverpool. Fiat, Sept. 15. Bankrupt's own petition.
- EVANS William, of Derby, in the county of Derby, lamp-manufacturer, *d. c.*—Official assignee, Bittleston.—Sols. Whiston, Derby, and Bowley, Nottingham. Fiat, Sept. 15. Bankrupt's own petition.
- GARDINER Joseph, carrying on business under the name of Joseph Edward Gardiner, of Leighton House, Sun-street West, in Birmingham, in the county of Warwick, provision merchant, *d. c.*—Official assignee, Valpy.—Sol. Harding, Birmingham. Fiat, Sept. 10. Bankrupt's own petition.
- HALL George, of Trowse Newton, in the county of Norfolk, builder and victualler.—Official assignee, Johnson.—Sols. Abbott & Wheatley, Rolls-yard. Fiat, Sept. 17. Bankrupt's own petition.

HYAMS Joshua, of Jury-street, Aldgate, in the city of London, watch-manufacturer.—Official assignee, Johnson.—Sol. Peddell, Cheapside. Fiat, Sept. 17. Pet. Cr. Joseph Dyer, of Gloucester-street, Clerkenwell, watch-case maker.

JACKSON John Gardiner, of No. 23, Newcastle-street, Strand, in the county of Middlesex, and Cour de Guise, Calais, in the kingdom of France, importer and manufacturer of fancy and embossed and ornamental papers, and all descriptions of pasteboard boxes, &c., carrying on the said business as aforesaid, in copartnership with Meadows Montague Wildbore and Louis Achille Leger.—Official assignee, Graham.—Sols. Wright & Banner, London-street. Fiat, Sept. 17. Pet. Cr. Helen Jackson, of No. 63, Lower Shadwell, spinster.

LEWER John, late of Dorset-street, but now of Fratton-path, both in the parish of Portsea, in the county of Southampton, carpenter and builder.—Official assignee, Turquand.—Sol. Murray, London-street, and Stigant, Portsea. Fiat, Sept. 15. Bankrupt's own petition.

PRATT David, and Joseph Finnemore, both of Birmingham, in the county of Warwick, steel-pen manufacturers, &c.—Official assignee, Valpy.—Sol. Hodgson, Birmingham. Fiat, Sept. 15. Bankrupt's own petition.

SCOTT Edward, of the Castle Tavern, Tunbridge Wells, in the county of Kent, innkeeper, &c.—Sols. Slee & Robinson, Parish-street, Southwark. Fiat, Sept. 17. Pet. Crs. Edward, Joseph, and John Vickers, of Stoney-street, Southwark, distillers.

SMAIL George, of the city of Coventry, in the county of Warwick, draper, &c.—Official assignee, Christie.—Sol. Smith, Birmingham. Fiat, Sept. 8. Bankrupt's own petition.

VAUGHAN James Charles, of Eastcheap, in the city of London, fruit-merchant.—Official assignee, Pennell.—Sol. Gauntlett, Lincoln's Inn-fields. Fiat, Sept. 14. Pet. Cr. Thomas Mitchinson Chapman, of No. 13, Gray's Inn-lane, grocer.

WORPELL John, of High-street, Shoreditch, in the county of Middlesex, and late of Ware, in the county of Herts, cabinet-maker, auctioneer, &c.—Official assignee, Graham.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Sept. 15. Bankrupt's own petition.

CERTIFICATE to be allowed October 12.

BAYLEY John, of Stalybridge, joiner.

DIVIDENDS.

Date of Fiat.

1844, **BURDETT** John Peach, now or late of Uttoxeter, Staffordshire, and lately carrying on business there as a grocer; div.

1847, **COX** Thomas, of Manchester, Lancashire, wine and spirit merchant; first div.

1847, **COX** Charles, of Manchester, Lancashire, wine and spirit dealer; first div.

1845, **HALL** William, of Claypath, in or near Durham, grocer and flour-dealer; final div.

1845, **PEARSON** Lazenby, of Newcastle-upon-Tyne, currier and leather dealer; final div.

1847, **PRITCHARD** John, of the Quay Head, in St. Stephen, Bristol, licensed victualler; div.

Gazette, Friday, September 24.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

TURNER Abraham, of Huddersfield, grocer.

TOWN AND COUNTRY FIATS.

CRASKE Josiah John, of Lowestoft, in the county of Suffolk, linen-draper, &c.—Official assignee, Graham.—Sols. Clowes & Co. Temple. Fiat, Sept. 11. Pet. Cr. Thomas Shepperson, of Cheap-side, warehouseman.

DYER John Woodfield, of No. 2, Myddleton-street, Clerkenwell, in the county of Middlesex, cheesemonger.—Official assignee, Bell. Sols. Crosby & Co. Church-court. Fiat, Sept. 21. Bankrupt's own petition.

PINEGER William, of the town and parish of Highworth, in the county of Wilts, innkeeper, &c.—Official assignee, Miller.—Sol. Packwood, Cheltenham. Fiat, Sept. 15. Bankrupt's own petition.

ROSS James, of Great Tower-street, in the city of London, grocer, tea-dealer and bookseller, &c.—Official assignee, Turquand.—Sols. Wright & Co. London-street. Fiat, Sept. 15. Bankrupt's own petition.

STOCK Benjamin, of Margate, in the Isle of Thanet, in the county of Kent, innkeeper, &c.—Official assignee, Pennell.—Sols. Fry & Co. Poultry. Fiat, Sept. 11. Pet. Cr. Charles Curtis, of Assembly-row, Mile-end, distiller.

SYMES William Lantrow, of Ashton-under-Lyne, in the county of Lancaster, grocer, &c.—Official assignee, Hobson.—Sols. Clarke & Co. Lincoln's Inn-fields, and Brooks, Ashton-under-Lyne. Fiat, Sept. 13. Pet. Cr. John Stanley, of Ashton-under-Lyne, coal-proprietor.

THOMPSON Thomas Kirby, of No. 91, Great Tower-street, in the city of London, wholesale grocer, &c.—Official assignee, Turquand. Sols. Shearman & Slater, Great Tower-street. Fiat, Sept. 24. Pet. Cr. Michael Dobinson, of Berners-street, upholsterer.

TOWNSEND Thomas Sale, and William Townsend, both of Liverpool, in the county of Lancaster, drapers and haberdashers, &c.—Official assignee, Cazenove.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Sept. 21. Bankrupt's own petition.

CERTIFICATES to be allowed October 15.

Burgess William Henry, of Skinner-street, Somers-town, and Great Tower-street, grocer and colonial dealer.

Coney James, of Harrow-road, mason.

Dirks Henry, of Winley-street and Nicholas-lane, manufacturer of malt extract.

King Henry, of Fulham, victualler.

Sarson James Thomas, of the City-road, vinegar-manufacturer.

Selby Robert, of Burleigh-street, wine-merchant.

Spence Thomas Henry, of Newcastle, tailor.

DIVIDENDS.

Date of Fiat.

1847, **AITCHISON** Robert Ker, of No. 8, Great Windmill-street, Haymarket, Middlesex, wine-merchant; div.

1847, **DIX** Richard, of Wells, Somersetshire, saddler and harness-maker; div.

1846, **GRIFFITHS** John, of Liverpool, Lancashire, wholesale stationer; div.

1847, **HALLILEY** Anthony, and Richard Halliley, of Wigton, Cumberland, partners and calico-printers; final joint div. and final sep. div. of Richard Halliley.

1846, **JONES** William, and George Clay, of Liverpool, Lancashire, boiler-makers, carrying on business under the style or firm of William Jones & Co.; sep. div. of George Clay.

1846, **SHANN** Thomas Graves, of Leeds, woollen-cloth merchant; first div.

1847, **TOWNLEY** William, of Blackburn, Lancashire, cotton-spinner and cotton-manufacturer; div.

1846, **WATTON** James, of Leeds, Yorkshire, tailor and draper; final div.

Gazette, Tuesday, September 25.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BUGGELN Martin, of Great Homer-street, Liverpool, in the county of Lancaster, victualler, &c., carrying on business in the name of Anthony Selb.—Official assignee, Bird.—Sols. Kirk, Symond's Inn, and Parsons, Liverpool. Fiat, Sept. 17. Pet. Crs. Robert Forshaw and William Renshaw, of Liverpool, brewers.

DAVIES James Griffiths, of Manchester, in the county of Lancaster, glass-dealer and general drysalter.—Official assignee, Hobson.—Sols. Reed & Langford, Friday-street, and Sale & Co. Manchester. Fiat, Sept. 17. Pet. Crs. James Bowron, of South Shields, and William Holmes, Robert Wilson, John Allison, and Henry Briggs, his copartners, glass-manufacturers.

HALSTEAD Thomas, late of Lower Smithfield, in the county of Middlesex, publican and ship-chandler, now of No. 8, Arundel-street, Strand, in the county of Middlesex.—Official assignee, Turquand.—Sol. Gates, Theobald's-road. Fiat, Sept. 17. Pet. Cr. Charles Joy, of Ann's-place, East-street, Walworth, leather-seller.

HITCHCOCK William Henry, William Connor, and John Enoch Hitchcock, of No. 110, Broadwall, Stamford-street, Blackfriars-road, in the county of Surrey, saw-mill proprietors and brush board manufacturers, copartners, trading as Hitchcock & Connor.—Official assignee, Graham.—Sol. Solomon, Chester-terrace, Borough-road. Fiat, Sept. 25. Bankrupts' own petition.

MACKINTOSH Donald, of Russell-street, Bermondsey, in the county of Surrey, tanner.—Official assignee, Bell.—Sols. Cox & Co. Sise-lane. Fiat, Sept. 24. Pet. Cr. Robert and Alexander Nesbett, of Upper Thames-street, hyde-brokers.

WILDBORE Meadows Montague, of No. 23, Newcastle-street, Strand, in the county of Middlesex, and Cour de Guise, in the kingdom of France, importer and manufacturer of surface coloured and ornamental paper, and all descriptions of fancy boxes, trading under the style or firm of M. Wildbore & Company.—Official assignee, Graham.—Sol. Sorrell, Fenchurch-buildings. Fiat, Sept. 20. Pet. Cr. Mary Wait, of Thornton Heath, Croydon, spinster.

WILLIAMS Samuel, of Sloane-square, Chelsea, in the county of Middlesex, brush-maker, *d. c.*—Official assignee, Johnson.—Sol. Lloyd, Milk-street. Fiat, Sept. 17. Pet. Cr. William Whitaker, of James-street, Chelsea, gent.

CERTIFICATES to be allowed October 19.

Bell Mary Elizabeth (widow), of Finch-lane, newsvender, (partner with James Bell).
Bowling Sarah, of Pendleton, widow, plumber.
Haly John, of Surrey-street, Strand, merchant.
Purton George, of Poole, innkeeper.
Sergeant Richard, of Maidstone, oilman.
Westall William Francis, of Manchester, hotel-keeper.
Womersley Richard, of Stony Stratford, hat-manufacturer.

DIVIDENDS.

Date of Fiat.

1847, **BEWLEY** Thomas, of Moulsham, in Chelmsford, Essex, iron-manufacturer; div.
1847, **DODGE** James, of No. 6, Cumberland-row, Walworth-road, Newington, Surrey, ironmonger and gas-fitter; div.
1847, **GREEN** Christopher, of St. Mary Overy's Dock, St. Saviour, Southwark, Surrey, wharfinger; div.
1845, **HENDERSON** John Robert, lately of Davies-street, Berkeley-square, Middlesex, but now of Leicester, wine-merchant; div.
1847, **HUNTER** Thomas, of Bishopwearmouth, Durham, grocer; div.
1847, **JOHNSON** Robert, the younger, of Pakefield, Suffolk, grocer and draper; div.
1845, **LONDON** William, the elder, and William Lendon, the younger, of Exeter, curriers and leather-dealers; final div.
1843, **NORTH** William, of and carrying on business at the Theatre Tavern, Bath, Somersetshire, innkeeper; div.
1847, **SIMS** William, of No. 51, Great Queen-street, Lincoln's Inn-fields, Middlesex, coach and harness maker; div.
1845, **SPENCE** William Whitaker, of Newcastle-upon-Tyne, woollen-draper, carrying on business with Mary Spence, of the same place, under the name, style and firm of Mary Spence & Son, as a trader indebted jointly and together with the said Mary Spence; second div.

Gazette, Friday, October 1.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

HOARE Francis Buchanan, of Lincoln's Inn-fields, printer and publisher.

TOWN AND COUNTRY FIATS.

BEVAN Thomas, of the town of Brecon, in the county of Brecon, corn-dealer and grocer, *d. c.*—Official assignee, Hutton.—Sols. Brittan & Sons, Bristol, and White & Co. Bedford-row. Fiat, Sept. 28. Pet. Cr. Edward Thomas, of Bristol, and George Thomas and John Sanderson Thomas, wholesale grocers.

BYERS William, of No. 224, High-street, Shoreditch, in the county of Middlesex, woollen warehouseman, *d. c.*, trading under the firm or style of William Byers & Co.—Official assignee, Turquand.—Sols. Messrs. Linklaters, Leadenhall-street, and Walker, Canterbury. Fiat, Sept. 24. Pet. Cr. John Vevera, of Chesapeake, woollen warehouseman.

GOE Charles Skinner, of No. 97, Oxford-street, in the county of Middlesex, shoemaker, *d. c.*—Official assignee, Bell.—Sol. Billing, King-street, Cheshire. Fiat, Sept. 28. Pet. Cr. William and Thomas Draper, of High Holborn, leather-dressers.

ISHERWOOD John Fielding, of No. 13, Holland-place, Clapham-road, in the county of Surrey, house-decorator, plumber, and painter.—Official assignee, Johnson.—Sol. Dawes, Serjeants' Inn. Fiat, Sept. 28. Bankrupt's own petition.

NEWTON John, of Stockton, in the county of Durham, ship-builder.—Official assignee, Baker.—Sols. Waron, Stockton-on-Tees, and Harle, Newcastle. Fiat, Sept. 7. Pet. Cr. Joseph Smith, of Stockton, ship-owner.

ROBINSON Joseph, of the Newbery Arms, Maldon-road, Havestock-hill, in the county of Middlesex, builder, *d. c.*—Official assignee, Turquand.—Sols. Goddard & Eyre, Wood-street. Fiat, Sept. 28. Pet. Cr. John Jay, of London-wall, builder.

TUBBS Richard Thomas, of No. 74, Aldermanbury, in the city of London, and of No. 119, Shoreditch, in the county of Middlesex, silk-agent and trimming-seller.—Official assignee, Bell.—Sol. Hutson, Upper Clifton-street, Finsbury. Fiat, Sept. 25. Bankrupt's own petition.

YOUNG George, late of No. 6, Maryport-street, in the city of Bristol, grocer and cheese-dealer, but now residing in the same city, out of business.—Official assignee, Miller.—Sol. Sabine, Bristol. Fiat, Sept. 25. Bankrupt's own petition.

CERTIFICATES to be allowed October 22.

Adams Robert, and Thomas Banks, of Liverpool, cattle-salesmen.
Butcher Richard, jun., of Epsum, painter.
Furlong Peter, of Nova Scotia and Liverpool, merchant.
Gerish Francis William, of East-road, City-road, iron-founder.
Halliley Anthony, and Richard Halliley, of Wigton, calico-printers.
Hanks William, of Whitmore-road, Hoxton, baker.
King Samuel, of Newgate-street, warehouseman.
Lake Thomas Man, of Uxbridge, bookseller.
May Thomas Henry, of Little Britain, baker.
Mellor Edward, of Ashton-under-Lyne, mason.
Seppings Edward, of Cromer, victualler.
Taylor George Stephen, of Whitstable, saddler.
Watkins Richard, of Manchester, tailor, (partner with Samuel Watkins).
Watson Harris, of Wilson-street, Finsbury, stove-grate manufacturer.

DIVIDENDS.

Date of Fiat.

1847, **BUTLER** James, of Saffron Walden, Essex, upholsterer; div.
1847, **HARRIS** George, of Giltspur-street, London, tailor; div.
1847, **KNIGHT** Charles Cleaver, of Landport, Southampton, draper; div.
1847, **SELBY** Robert, of Burleigh-street, Strand, Middlesex, wine and spirit merchant; div.
1847, **THOMAS** Evan, of Aldersgate-street, London, draper; div.
1847, **TREACHER** William Higginbottom, of No. 57, Regent-street, Quadrant, Middlesex, furrier and milliner; div.
1847, **WALKER** Edward, of High-street, Peckham, Surrey, oilman and grocer; div.
1841, **WISE** Ashford, of Ford House, in Woborough, Devonshire, Nicholas Baker, of Newton Bushel, in Highwick, Devonshire, and William Searle Bentall, of Totnes, Devonshire, bankers, and carrying on the business of bankers at Newton Abbot, Devonshire, under the firm of Wise, Farwell, Baker & Bentall; div.
1847, **WORTHINGTON** Henry, of Eccleshill, Lancashire, cotton-manufacturer; div.

Gazette, Tuesday, October 5.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BOYDELL Henry, and Thomas Williams, of Liverpool, in the county of Lancaster, and of Birkenhead, in the county of Chester, timber-merchants, *d. c.* and copartners.—Official assignee, Case-nove.—Sols. Bridger & Blake, London-wall, and Dodge, Liver-pool. Fiat, Oct. 1. Pet. Cr. James M'Murdo, of Liverpool, timber-merchant.

BROWN Thomas, of Nottingham-mews, High-street, in the parish of St. Marylebone, in the county of Middlesex, coach-smith and ironmonger.—Official assignee, Johnson.—Sol. Goren, Southmolton-street. Fiat, Oct. 1. Pet. Cr. George Jones, of No. 27, Old Fish-street, iron-merchant.

DAVIES James Griffiths, of Manchester, in the county of Lancaster, glass-dealer and general drysalter.—Official assignee, Hobson.—Sols. Reed & Co. Friday-street, and Sale & Co. Manchester. Fiat, Sept. 17. Pet. Cr. James Bowron, of North Shields, glass-manu-facturer.

DULY Samuel, of No. 122, St. James's-street, Brighton, in the county of Sussex, toymen and tobacconist, *d. c.*—Official assignee, Johnson.—Sols. Richards & Walker, Lincoln's Inn-fields. Fiat, Sept. 29. Bankrupt's own petition.

ECCLES William, of Walton-le-Dale, in the county of Lancaster, cotton-spinner and manufacturer, *d. c.*—Official assignee, Hobson.—Sols. Chester & Co. Staple Inn, and Haydock & Son, Preston. Fiat, Oct. 1. Pet. Cr. Christopher Shorroek, of Manchester, commission-agent.

FROST George, of No. 143, Leadenhall-street, in the city of Lon-don, cutler.—Official assignee, Graham.—Sol. Smith, New Inn. Fiat, Sept. 25. Pet. Cr. John Pittway, of Kirby-street, Hatton-garden, fancy cabinet maker.

GAISFORD John, of No. 30, Gravel-lane, Southwark, in the county of Surrey, baker, *d. c.*—Official assignee, Turquand.—Sol. Bu-chanan, Basinghall-street. Fiat, Sept. 29. Bankrupt's own peti-tion.

HICKS Isaac, of Brislington, in the county of Somerset, tailor and draper, *d. c.*—Official assignee, Acraman.—Sol. Fox, Bristol. Fiat, Sept. 28. Bankrupt's own petition.

JEFFERIES William Edwin, of the New York Tavern, St. Mi-chael's-alley, Cornhill, in the city of London, tavern-keeper.—Official assignee, Turquand.—Sol. Townshend, Clifford's Inn. Fiat, Oct. 29. Bankrupt's own petition.

LACON Charles Gilbert, of No. 3, New-street, Dorset-square, in the county of Middlesex, grocer and oilman.—Official assignee, Tur-quand.—Sols. Vallances & Co. Essex-street. Fiat, Sept. 28. Pet. Cr. Thomas Green, of Leather-lane, Holborn, tallow-chandler.

LORD Samuel, of Liverpool, in the county of Lancaster, wool-dealer, *d. c.*—Official assignee, Morgan.—Sols. Johnson & Co. Temple, and Grocott, Liverpool. Fiat, Sept. 28. Bankrupt's own petition.

OWEN Stephen, of Liverpool, in the county of Lancaster, flour-dealer, baker, *d. c.*—Official assignee, Bird.—Sols. Johnson & Co. Temple, and Grocott, Liverpool. Fiat, Sept. 29. Bankrupt's own petition.

SALTER James, of No. 1, New North-road, Islington, in the county of Middlesex, late of No. 8, Harringay Villas, Green-lanes, Tot-tenham, in the county of Middlesex, builder, brick-maker, *d. c.*—Official assignee, Bell.—Sol. Dimes, Bread-street. Fiat, Oct. 2. Bankrupt's own petition.

VEITH Ferdinand Christian, of the town or borough of Kingston-upon-Hull, in the county of the same town or borough, merchant and commission-agent, *d. c.*, carrying on business under the style or firm of Ferdinand Christian Veith & Co.—Official assignee, Stansfeld.—Sols. Tilson & Co. Coleman-street, and Wells & Smith, Hull. Fiat, Sept. 25. Pet. Crs. Richard and Henry Wells, of Hull, merchants.

WOODS Robert, of Upper Russell-street, Brighton, in the county of Sussex, grocer, *d. c.*—Official assignee, Johnson.—Sols. Galsworthy & Co. Cook's-court, and Kennett, Brighton. Fiat, Sept. 24. Pet. Cr. John Lynn, of Brighton, merchant.

YATES William, of Adlington, near Chorley, in the county of Lan-caster, calico-printer, *d. c.*—Official assignee, Hobson.—Sols. Reed & Co. Friday-street, and Sale & Co. Manchester. Fiat, Sept. 28. Pet. Crs. John Fraser, of Manchester, and Philip Thomson and John Buckley, official and creditors' assignees.

CERTIFICATES to be allowed October 26.

Allison Joseph, of Penrith, bookseller.
Cowell Joshua, of Peckham, boot-dealer.
Davies William, of Liverpool, blacksmith.
Dickinson John, of Manchester, bookbinder.
Hodsoll William, of South Ash, farmer.
Horan Michael, of Bolton, grocer.
Jackson William, of Trannmere, joiner.
Moore Thomas, of St. Albans, furniture-broker.
Nash Michael O'Hara, of Bristol, victualler.
Palmer John, of Worthing, painter.
Priestley Thomas, of Bedford, grocer.
Richards Owen, of Fleet-street, law-bookseller.
Wade Richard, of Cheapside, tailor.
Wilson George, of Salford, iron-founder.
Winnall George, of Worcester, coach-builder.

DIVIDENDS.

Date of Fiat.

- 1841, **ARNOLD** Thomas, of No. 48, Paternoster-row, London, book-seller and publisher, and lately carrying on business at No. 34, Paternoster-row, with William Ball and John Richmond Hay-ward, under the firm of Ball, Arnold & Co., as a trader in-debted with the said William Ball and John Richmond Hay-ward; div.
- 1846, **DAVIS** William, of Strangeways, in Cheetham, Lancashire, plasterer and painter; div.
- 1847, **DUNLOP** Archibald, of No. 52, Lower Belgrave-place, Chester-square, Middlesex, land-agent and scrivener; div.
- 1846, **KIMPTON** Robert, of No. 2, Crescent, Jewin-street, London, jeweller; div.
- 1847, **LAW** James, of Faversham, Kent, corn-merchant; div.
- 1847, **MACHIN** Anthony, of Manchester, Lancashire, grocer and tea-dealer; div.
- 1846, **MACKEY** Alexander Augustus, and Nathaniel James White Holt, of No. 20, St. Helen's-place, Bishopsgate-street, London, merchants, carrying on trade in London, together with James Henry Mackey, of Calcutta, in the East Indies, their co-partner in the firm of Mackey, Holt & Co.; div.
- 1846, **MORLEY** Henry Rawson, of Kingston-upon-Hull, merchant; final div.
- 1846, **OAKLEY** Thomas, of Kingsbury Farm, St. Albans, Hertford-shire, farmer and dealer in oil-cake; div.
- 1845, **PIERCE** Thomas Carey Willard, and Thomas Gilson Homan, both of Stevenson's-square, Manchester, Lancashire, trading under the firm of Pierce & Homan; first div.
- 1847, **PETTET** Edward, and William Newton, of Lancaster-place, Strand, Middlesex, navy-agents and commission-agents; div.
- 1847, **PURTON** George, of Longfleet, in Poole, innkeeper; div.
- 1846, **STREETER** Thomas, of High-street, Camden-town, Middle-sex, draper; div.
- 1847, **SYKES** William, of the Old and New Catherine Wheel-yards, Bishopsgate-street, London, and of No. 17, Saville-place, Mile-end, Middlesex, carrier and carman; div.
- 1847, **WESTON** James Ricketts, of Southampton, auctioneer; div.
- 1847, **WRIGHT** Robert, of No. 15, Coppice-row, Clerkenwell, Mid-dlesex, timber-merchant; div.

Gazette, Friday, October 6.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BAKER George, of the town of Newport, in the county of Monmouth, grocer, *d. c.*—Official assignee, Miller.—Sols. Poole & Gamlen, Gray's Inn-square, and Messrs. Livett, Bristol. Fiat, Oct. 7. Pet. Crs. Henry Overton Wills, of Bristol, and William Day Wills, his partner, tobacconists.

CHRISTIAN Thomas, formerly of Abbey-street, Carlisle, then of Etterby Cottage, Stanwix, then of Birkby Cottage, near Maryport, all in the county of Cumberland, then of No. 14, London-street, in the city of London, then of No. 24, Rood-lane, in the said city, and now of No. 22, Park-road, North Brixton, in the county of Surrey, merchant, trader, *d. c.*—Official assignee, Graham.—Sol. Shaw, Queen-street. Fiat, Oct. 2. Bankrupt's own petition.

FEATHERSTONHAUGH Joseph, and William Putterill, of St. Martin's, Stamford, in the county of Northampton, railway contractors, copartners in trade, *d. c.*—Official assignee, Graham.—Sol. Ewbank, Gray's Inn. Fiat, Oct. 2. Bankrupts' own petition.

GALABIN George John, of No. 91, Bartholomew-close, in the city of London, printer.—Official assignee, Bell.—Sol. Smith, Basinghall-street. Fiat, Oct. 7. Bankrupt's own petition.

HEYWOOD Henry, of Manchester, in the county of Lancaster, auctioneer, furniture-broker, *d. c.*—Official assignee, Fraser.—Sols. Jaques & Co. Ely-place, and Chew, Manchester. Fiat, Sept. 28. Pet. Cr. Richard Blow, of Birmingham, hardware manufacturer.

KEVAN Patrick, of Liverpool, in the county of Lancaster, flour-dealer, *d. c.*—Official assignee, Turner.—Sols. Mitton & Co. Southampton-buildings, and Smith, Liverpool. Fiat, Oct. 2. Bankrupt's own petition.

MILSTEAD Joseph, of High-street, Bromley, in the county of Kent, builder.—Official assignee, Turquand.—Sol. Solomon, Chester-terrace, Bow-road. Fiat, Oct. 5. Bankrupt's own petition.

RIPPON John, of the city of Bristol, baker, *d. c.*—Official assignee, Acraman.—Sols. Maples & Co. Old Jewry, and Hassell, Bristol. Fiat, Oct. 2. Bankrupt's own petition.

UGLOW Abel, of the parish of St. Thomas the Apostle, in the county of Cornwall, miller and corn-factor, *d. c.*—Official assignee, Hirtzel.—Sols. Laidman, Exeter, and Clowes & Co. Temple. Fiat, Oct. 2. Bankrupt's own petition.

CERTIFICATES to be allowed October 29.

Clayton William, of Langcliffe, cotton-spinner, (partner with William Wilson).

Gray William, of Salford, brewer.

Hay John, of Bath, dentist.

Notwill John, of Falmouth, grocer and baker.

DIVIDENDS.

Date of Fiat.

1847, **BEWLAY** Charles Richard, of Leamington Priors, Warwickshire, grocer, dealer in glass and china-ware; div.

1847, **CASWELL** Thomas, and James Thomas Tindall, both of Northampton, and carrying on business and residing there, and having also a shop at Sheffield, Yorkshire, leather-sellers, shoe-dealers and curriers; div.

1847, **CLARK** Henry, of Redcross-street, London, and of Plummer's-row, Whitechapel, Middlesex, oil and colour merchant and soap-dealer; div.

1847, **CRAFT** William, of Spring-street, Paddington, Middlesex, fishmonger; div.

1847, **DICKEN** William, of Brentford-end, Isleworth, Middlesex, grocer and cheesemonger; div.

1847, **GERISH** Francis William, of the East-road, City-road, Middlesex, iron-founder; div.

1846, **RADBONE** John, of Alcester, Warwickshire, broker and cord-wainer and needle-manufacturer; div.

1847, **WRIGHT** Thomas, of Birkenhead, Cheshire, ironmonger; div.

Gazette, Tuesday, October 12.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

WAKEFIELD Thomas, of Nottingham, merchant.

WELLS Thomas, of Sudbury, confectioner.

TOWN AND COUNTRY FIATS.

BATE William, of Bridgnorth, in the county of Salop, millwright.—Official assignee, Christie.—Sols. Weeks, Cook's-court, and Mole, Birmingham. Fiat, Sept. 25. Pet. Crs. Thomas Astbury, of Smith-wich, iron-founder, and James Bowler, his copartner.

BURT James, and James Burt, the younger, of Manchester, in the county of Lancaster, and William Tottle Watson, of Leeds, in the county of York, commission-agents, *d. c.* and copartners, carrying on business at Manchester aforesaid, under the firm of Burt, Watson & Co., and at Leeds aforesaid, under the firm of Burt, Watson & Burt.—Official assignee, Fraser.—Sols. Reed & Co. Friday-street, Atkinson & Co. Leeds, and Sale & Co. Manchester. Fiat, Oct. 5. Pet. Cr. William Machant, of Gilnow, near Bolton, bleacher.

COOPER Thomas, of the city of York, stock and share broker, *d. c.*—Official assignee, Freeman.—Sols. Wiglesworth & Co. Gray's Inn, Parkinson, York, and Harle & Clarke, Leeds. Fiat, Sept. 25. Pet. Cr. John Spence, of York, gentleman.

DEWHURST Roger, and Evan Gregson, both of Blackburn, in the county of Lancaster, timber-merchants and copartners.—Official assignee, Pott.—Sols. Jacques & Co. Ely-place, and Holroyd, Halifax. Fiat, Oct. 1. Pet. Crs. William Lambert, of Kildwick, timber-merchant, and John and Thomas Butterfield, his copartners.

FORD William Hurst, of Burford, in the county of Oxford, inn-keeper, *d. c.*—Official assignee, Johnson.—Sols. Goddard & Co. Wood-street. Fiat, Oct. 7. Bankrupt's own petition.

JONES George William, of Castlenau, Barnes, in the county of Surrey, and of Birch-in-lane, in the city of London, and of Cheltenham, in the county of Gloucester, shoe-manufacturer, newspaper-agent, *d. c.*—Official assignee, Johnson.—Sols. Wilkinson, Nicholas-lane. Fiat, Oct. 5. Pet. Cr. William Buck, of Stratford St. Mary, miller.

KINGSFORD Richard Coleman, and Henry Lowry Barwell, of Straton, in the parish of Ickham, in the county of Kent, and of No. 4, Catherine-court, Tower-hill, in the city of London, millers and coal-merchants, and copartners.—Official assignee, Bell.—Sols. Wright & Co. Essex-street. Fiat, Oct. 8. Pet. Crs. Thomas and Francis Philpot, of Canterbury, corn-factors.

LEWIS William Henry, of No. 34, Ludgate-street, in the city of London, straw-bonnet maker, *d. c.*—Official assignee, Johnson.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Oct. 7. Bankrupt's own petition.

LYON Thomas, and Edward Lyon, of No. 2, Birch-in-lane, in the city of London, stock and bill brokers, and copartners.—Official assignee, Graham.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Oct. 7. Bankrupts' own petition.

OWEN Henry, of No. 67, Fleet-street, in the city of London, and of No. 24, Argyl-street, in the county of Middlesex, common carrier, *d. c.*—Official assignee, Bell.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Oct. 12. Pet. Cr. James Peckman, of No. 13, Queen's-road, gent.

PALMER Whitfield, of Uxbridge, in the county of Middlesex, jeweller, *d. c.*—Official assignee, Turquand.—Sol. Williams, Alfred-place. Fiat, Oct. 8. Pet. Cr. Matthew Baldwin, of Canterbury, tailor.

PITHEY William, of No. 23, Philpot-lane, Renchurch-street, in the city of London, merchant.—Official assignee, Johnson.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Oct. 5. Pet. Cr. Richard Swift, of Philpot-lane, shoe-maker.

SANDERS Edward, of No. 6, Stamford-terrace, Asylum-road, Old Kent-road, in the county of Surrey, builder.—Official assignee, Bell.—Sols. Curritt & Ongood, Guildhall Chambers. Fiat, Oct. 8. Pet. Cr. Thomas Pocock, of Paddington, timber-merchant.

STRAY William Henry, of No. 41, Lambeth-walk, in the county of Surrey, hat-manufacturer, *d. c.*—Official assignee, Turquand.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Oct. 9. Bankrupt's own petition.

TOYNE Henry, of No. 56, Shoreditch, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, Bell.—Sol. Jones, Six-lane. Fiat, Oct. 5. Pet. Crs. William Smith, William Leaf, James Cole, Michael Brankston, and William Laidler Leaf, of Old Change, warehousemen.

WALKER William, of No. 126, London-wall, in the city of London, and of Regent-street, City-road, in the county of Middlesex, paper-stainer, *d. c.*—Official assignee, Turquand.—Sol. Wilkinson, Nicholas-lane. Fiat, Oct. 5. Pet. Crs. William Burnside, jun. and William Sampson Hodgkinson, of Upper Thames-street, stationers.

WILLIAMS John, of Cheltenham, in the county of Gloucester, mercer and draper, *d. c.*—Official assignee, Miller.—Sol. Packwood, Cheltenham. Fiat, Oct. 20. Bankrupt's own petition.

CERTIFICATES to be allowed November 2.

Curme Charles, of Hilperton, brewer.
Henwood George, of Leeds, carver.
Rollason George Thomas, of Birmingham, glass-dealer.
Sanderson Thomas, of Leeds, corn-factor.
Wilson George, of Huddersfield, woollen-cloth manufacturer.

DIVIDENDS.

Date of Fiat.

- 1847, ATKINSON Anthony, of Newcastle-upon-Tyne, share-broker; first div.
- 1847, BERKELEY John, of Newcastle-upon-Tyne, merchant; div.
- 1847, BILLINGAY Samuel Howard, of Commercial-road East, Whitechapel, Middlesex, ironmonger; div.
- 1846, CARPENPALE William, of Kingston-upon-Hull, jeweller and dealer in fancy articles; first div.
- 1846, DONALDSON John, of No. 294, Regent-street, and Nos. 49 and 50, Margaret-street, Middlesex, clock-maker; final div.
- 1845, CUTCLIFFE Charles Newell, of Pilton, near Barnstaple, Devonshire, surgeon and apothecary; div.
- 1847, DONALDSON John, late of Wigton, Cumberland, common brewer; div.
- 1847, GROVES John Thomas, of Millbrook, Southampton, seed-crusher; div.
- 1846, GROSSMITH William George, of Romsey Extra, Southampton, brewer; div.
- 1830, HANDLEY William, of Birmingham, Warwickshire, wholesale saddler and army accoutrement manufacturer; div.
- 1845, HANSEN Peter, of Newcastle-upon-Tyne, merchant and ship-owner; final div.
- 1846, NICHOLLS Richard, the younger, of Birmingham, Warwickshire, bookseller and stationer; div.
- 1846, PEIRSON Thomas, of Warwick-court, Holborn, Middlesex, and late of Pickering, Yorkshire, money-scrivener; div.
- 1842, PILE George, William, and James Bernard Staunton, of Salvador House, Bishopsgate-street Without, Middlesex, wine and spirit merchants; div.
- 1847, RAINEY Alexander, of No. 14, Regent-street, Piccadilly, Middlesex, estate agent and auctioneer; div.
- 1847, RICHARDS Owen, of Fleet-street, London, law bookseller; div.
- 1845, ROBSON Charles Oswald, of No. 16, Finsbury-street, Finsbury-square, Middlesex, plasterer and builder; final div.
- 1846, SPICER John Edward, and Cornelius Poulton, of Alton, Hants, paper-manufacturers; div.
- 1846, STONE William, of Wood-street, London, laceman, carrying on trade under the name, style, or firm of Stone & Everett; final div.
- 1847, THORNE William, of Crawley-street, St. Pancras, Middlesex, linen-draper; div.
- 1847, THUELL John, and William Jeffery, of Buckfastleigh, Devonshire, woollen-manufacturers, the said John Thuell also carrying on business as a tanner at Broadhempstone, Devonshire, on his separate account; joint div., and sep. div. of Thuell.
- 1847, WESTALL William Francis, of Manchester, Lancashire, hotel-keeper, wine and spirit merchant; div.
- 1847, WHITBY James, of Lynn, Norfolk, grocer; div.
- 1844, WILLER Joseph, of Windsor, Berkshire, licensed victualler; div.
- 1841, WILSON John, and William Crichton, of Manchester, Lancashire, calico-printers, trading under the firm of Wilson, Crichton & Co.; final div.
- 1845, WOLTON James Cousin, of Halsted, Essex, ironmonger; div.

Gazette, Friday, October 13.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ALLEN Edward John, and Frederick William Allen, of No. 70, Seymour-place, Bryanstone-square, in the county of Middlesex, riding-masters and dealers in horses, and copartners.—Official assignee, Bell.—Sol. Robinson, Orchard-street. Fiat, Oct. 8. Pet. Cr. John Miller, of Conduit-street, Paddington, corn-dealer.

BARR John Caborn, of the Old Bailey, in the city of London, and of Blackman-street, in the borough of Southwark, in the county of Surrey, hatter.—Official assignee, Johnson.—Sol. Hillary, Fenchurch-street. Fiat, Oct. 12. Pet. Cr. Thomas Sedgwick Summers, of Lee, Kent, lighterman.

BRYANT George, of All Saints'-street, in the city of Bristol, baker and grocer.—Official assignee, Hutton.—Sols. Trehern & White, Bucklersbury, and Sabine, Bristol. Fiat, Oct. 9. Bankrupt's own petition.

CLARK Francis, the younger, of Bury St. Edmunds, in the county of Suffolk, innkeeper, *d. c.*—Official assignee, Graham.—Sols. Stevens & Gosling, Gray's Inn-square. Fiat, Oct. 8. Pet. Cr. Martin Spenceley, of Cheyne-walk, Chelsea, gent.

DALTON Thomas, of Darlington, in the county of Durham, rope-manufacturer.—Official assignee, Wakley.—Sols. Mewburn, Darlington, and Harle, Newcastle. Fiat, Oct. 7. Bankrupt's own petition.

DAVIES Giles, of Maesbury, in the parish of Osewstry, in the county of Salop, miller.—Official assignee, Whitmore.—Sols. Salter & Co. Ellesmere, and Hodgson, Birmingham. Fiat, Oct. 1. Pet. Cr. John Lea, of Ellesmere, corn-dealer.

HOWE Charles, of Plymouth, in the county of Devon, draper, *d. c.*—Official assignee, Herniman.—Sols. Sale & Co. Manchester, Reed & Co. London, and Stogdon, Exeter. Fiat, Oct. 8. Pet. Cr. David Ainsworth, of Manchester, merchant.

JAMES Edward Lloyd, of No. 66, Queen-street, Cheapside, in the city of London, stationer.—Official assignee, Graham.—Sols. Plucknett & Co. Lincoln's Inn-fields. Fiat, Oct. 5. Pet. Crs. John Joseph Meek and Charles Rhodes, of Cloak-lane, paper-manufacturers.

JOHNSON James, of No. 20, Langley-place, Commercial-road East, in the county of Middlesex, leather-seller, *d. c.*—Official assignee, Bell.—Sol. Fluder, Gray's Inn. Fiat, Oct. 12. Bankrupt's own petition.

KIMBERLEY Samuel, and Bryant Organ, both now or late of Westbromwich, in the county of Stafford, soda-water manufacturers, *d. c.*—Official assignee, Valpy.—Sol. Collis, Stourbridge. Fiat, Oct. 5. Pet. Crs. Edwin Decey, of Kingswinford, glass-manufacturer, and William Henry Cope, his copartner.

LEAKE Frederick, of No. 52, Regnet-street, in the parish of St. James, Westminster, and of George-yard, in the parish of St. Ann, Westminster aforesaid, both in the county of Middlesex, relieve leather manufacturer.—Official assignee, Turquand.—Sol. Parkinson, Argyle-street. Fiat, Oct. 12. Bankrupt's own petition.

LEMAN Ann, of the Commercial Wharf, and Old Swan Pier, Upper Thames-street, in the city of London, ship-owner and wharfinger, *d. c.*—Official assignee, Graham.—Sol. Brown, Walbrook. Fiat, Oct. 9. Bankrupt's own petition.

LINELL Richard, of Shrewsbury, in the county of Salop, grocer, *d. c.*—Official assignee, Valpy.—Sols. Motteram & Knowles, Birmingham, and Smith & Co. Bedford-row. Fiat, Oct. 12. Bankrupt's own petition.

MERRETT William Francis, of Greenwich, in the county of Kent, draper, *d. c.*—Official assignee, Graham.—Sols. Reed & Co. Friday-street. Fiat, Oct. 12. Bankrupt's own petition.

PARTINGTON John, of Wyre Piddle, in the county of Worcester, cattle-dealer.—Official assignee, Christie.—Sols. Wilson, Worcester, and Smith, Birmingham. Fiat, Oct. 7. Bankrupt's own petition.

PINKSTONE Daniel, of Cheltenham, in the county of Gloucester, innkeeper, *d. c.*—Official assignee, Hutton.—Sols. Newman & Co. Cheltenham. Fiat, Oct. 1. Pet. Cr. Thomas George Vernon, of Tewkesbury, wine-merchant.

CERTIFICATES to be allowed November 5.

Baggott James, of Worcester, victualler.
 Gage Benjamin, of Gosport, tavern-keeper.
 Melton Thomas, of Lincoln, innkeeper and auctioneer.
 Reader Thomas, of Foleshill, miller.
 Roberts George, of Rodborough, miller.

DIVIDENDS.

Date of Fiat.

- 1847, ATKINSON William Frederick, of Wakefield, Yorkshire, woolstapler; div.
 1846, BEAMER William, of Low-hill, township of West Derby, Lancashire, joiner and builder; div.
 1846, BOULT Edward Swanwick, of Liverpool, Lancashire, stock and share broker; div.
 1847, BOWRING Sarah, of Pendleton, Lancashire, widow, plumber and glazier; first div.
 1847, DUPLAN Gilbert, of Regent's-place, Westminster, tea-dealer and grocer; div.
 1846, DYKES Elizabeth Smith, of Romford, Essex, basket-maker and cooper; final div.
 1846, GAMMAGE Thomas, of No. 22, King-street, Seven-dials, and James Mott, of No. 30, Broad-street, Bloomsbury, both in Middlesex, cheesemongers; final joint div.
 1847, HARDING William, of Stockport, Cheshire, cotton-manufacturer; first div.
 1837, HORSFALL John, of Leeds, Yorkshire, stuff-dyer and merchant; div.
 1847, INGHAM John, of Liverpool, Lancashire, woolstapler; div.
 1846, JONES Maurice, of Liverpool, Lancashire, saddler; div.
 1847, KEDDY John, and Thomas Keddy, of Bridlington, Yorkshire, printers, booksellers and paper-hangers; first div.
 1847, KIRKLAND John, of New-street, Covent-garden, Middlesex, grocer; div.
 1846, PAGE John, of Walsall, Staffordshire, iron-dealer; div.
 1847, RICKETTS Frederick, and Trevenen James, both of No. 8, Moorgate-street, London, merchants, trading under the firm of Ricketta, James & Co.; sep. diva.
 1847, UDALE James, of Oakamoor, Staffordshire, corn and flour dealer; div.
 1847, WAIN William, of Manchester, Lancashire, pocket-book maker and stationer; div.

Gazette, Tuesday, October 19.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

- COCKER Henry, of Hathersage, in the county of Derby, needle-manufacturer, *d. c.*—Official assignee, Hobson.—Sols. Fidley, Temple, and Wilson & Co. Sheffield. Fiat, Oct. 5. Pet. Cr. William Waterfall, of Sheffield, manager and public officer of the Sheffield and Hallamshire Banking Company.
 DUNCAN Jonathan, late of Wellington-street North, in the Strand, in the county of Middlesex, newspaper proprietor, printer, *d. c.*—Official assignee, Turquand.—Sols. Goddard & Eyre, Wood-street. Fiat, Oct. 16. Bankrupt's own petition.
 FELDMANN John Edward, of the Hydropathic Establishment, Albert-road, Regent's-park, in the county of Middlesex, boarding-house keeper, *d. c.*—Official assignee, Graham.—Sols. Nicholls & Co. Bedford-row. Fiat, Oct. 16. Bankrupt's own petition.
 HUGHES John, of Fronhanlog, in the parish of Llandanoflan, in the county of Carnarvon, miller, corn-factor, quarryman, *d. c.*—Official assignee, Bird.—Sols. Johnson & Co. Temple, and Grocott, Liverpool. Fiat, Oct. 12. Bankrupt's own petition.
 HUMPHRIES William, of Bow-street, Covent-garden, in the county of Middlesex, tavern-keeper.—Official assignee, Graham.—Sols. Husband & Co. Moorgate-street. Fiat, Oct. 15. Pet. Cr. Richard Burnett, of Covent-garden, woollen-draper.
 KNIGHT John, of the parish of Waltham St. Lawrence, in the county of Berks, brewer, coal-merchant, *d. c.*—Official assignee, Johnson.—Sols. Soames, Park-street, Grosvenor-square. Fiat, Oct. 16. Bankrupt's own petition.

LAWFORD Samuel, of Church-street, Luton, in the county of Bedford, straw-plait dealer, bonnet-maker, bleacher, *d. c.*—Official assignee, Follett.—Sols. Buchanan, Basinghall-street. Fiat, Oct. 16. Bankrupt's own petition.

MAY Robert, of Choumert-place, Peckham, in the county of Surrey, stock and share broker, *d. c.*—Official assignee, Bell.—Sols. May, Princes-street, Spitalfields. Fiat, Oct. 15. Pet. Cr. William Taylor Copeland, of No. 37, Lincoln's Inn-fields, merchant.

PATTISON Peter, of No. 80, Cornhill, in the city of London, tailor and draper, *d. c.*, as a trader indebted together with Robert Palmer Harding, his late copartner, trading under the style and firm of Pattison & Harding.—Official assignee, Turquand.—Sols. Mardon & Co. Newgate-street. Fiat, Oct. 12. Pet. Cr. Charles Morris, William Herbert Maude, Thomas Jones and Richard Cove Randall, of No. 33, Cornhill, warehousemen.

PHILLIPS John Aldam, of Riches-court, Lime-street, in the city of London, merchant.—Official assignee, Green.—Sols. Bankart, Clement's-lane. Fiat, Oct. 15. Pet. Cr. Bryan Corcoran, of Mark-lane, merchant.

CERTIFICATES to be allowed November 9.

Aitchison Robert Kerr, of Great Windmill-street, wine-merchant.
 Craft William, of Spring-street, Paddington, fishmonger.
 Fielder John Webb, of Thavies Inn, lace-merchant.
 Hutchins Thomas, of Hulme, coach-proprietor.
 Maude John Milthorpe, of Rotherhithe, cement-manufacturer.
 Sex George, of Stonecutter-street, job-master.

DIVIDENDS.

Date of Fiat.

- 1847, ADDISON John Christopher, of Margaret-street, Cavendish-square, Middlesex, grocer and wholesale tea-dealer; div.
 1847, BROWN Samuel, of Trowbridge, Wiltshire, woollen-cloth manufacturer; second div.
 1843, CLARKE John, Richard Mitchell, Joseph Phillips, and Thomas Smith, of Leicester, bankers; sep. diva. of Clarke and Phillips.
 1845, COLE Frederic Lindsay, of Fenchurch-street, London, wine-merchant; div.
 1847, DAVIS Henry Louis, of Ludgate-hill, London, dealer in glass; div.
 1847, ESKRIGGE Thomas, of Warrington, Lancashire, cotton-manufacturer; final div.
 1847, GAPP John, of Duke-street, Manchester-square, Middlesex, livery-stable keeper and job-master; div.
 1847, GRAHAM Robert, of Brunswick House, Clapham-common, Surrey, lodging-house keeper; div.
 1847, HILLS Edwin, of St. Mary's-road, Peckham, Surrey, charcoal burner and manufacturer of naphtha, and now or lately carrying on business at the several places hereinafter mentioned, that is to say, at Warrash, in Titchfield, Southampton, at Farnhurst, Sussex, at Ludkin near Godalming, and in the Old Kent-road, Surrey, and at Crinanlock, Gilpend, Argyleshire, Scotland; div.
 1847, HUMPHREY John, of North Walsham, Norfolk, grocer and leather-cutter; div.
 1846, INGLIS Alexander, of Portsea, Southampton, draper; div.
 1847, LAKE Thomas Man, of Uxbridge, Middlesex, bookseller, stationer and printer; div.
 1847, LEATHER William, of No. 91, London-wall, London, warehouseman; div.
 1847, LOCKWOOD John, No. 44, Upper Baker-street, Dorset-square, Middlesex, builder; div.
 1839, M'DONNELL Thomas, of No. 3, Pall Mall, Middlesex, boot-maker; div.
 1837, MALTBY Thomas, of Lawrence Pountney-hill, London, and of Upper-side, Waterloo-bridge, St. Mary, Lambeth, Surrey, lead-merchant, trading under the firm of Thomas Maltby, Son & Co.; div.
 1847, PADDON Charles, of No. 43, Milner-place, Lower Marsh, Lambeth, and of No. 57, Charlotte-terrace, New-cut, Lambeth, both in Surrey, clothes-salesman; div.
 1840, PRAT Richard Periam, and Samuel Prat, of Glastonbury, Somersetshire, and also of Wells, said county, scriveners and dealers in trade; div.
 1847, PRIESTLEY Thomas, of Bedford, grocer; div.

Date of Fiat.

- 1841, PROSSER John, of No. 61, Piccadilly, in the county of Middlesex, goldsmith and jeweller, and also of No. 37, Park-side, Knightsbridge, Middlesex: div.
- 1847, PYE James Edmund, of No. 4, Berkeley-square, Middlesex, milliner: div.
- 1847, SARSON James Thomas, of Brunswick-place, City-road, Middlesex, vinegar and mustard dealer: div.
- 1847, STRONG Sidney, of Watling-street, London, cigar-manufacturer: div.
- 1847, SYRED Daniel, of Bloomfield-road, Paddington, Middlesex, but now of Whitecross-street prison, Middlesex, market-gardener: div.
- 1847, TATE Robert, of No. 304, Regent-street, Middlesex, silver-smith and jeweller: div.
- 1847, TEMPLE William, of No. 26, Motcomb-street, Belgrave-square, Middlesex, turner and brush-maker: div.
- 1846, TODD Henry John, and Edward Todd, of No. 4, Bow-church-yard, London, and of No. 32, Great Charlotte-street, Liverpool, Lancashire, warehousemen, drapers and agents, trading under the firm of Todd & Co.: div. of H. J. Todd.
- 1847, TUNSTALL Alfred, and John Walker Cash, of Bristol, oil-merchants: joint div.

Gazette, Friday, October 22.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BRASTED William Bangley, late of No. 29, St. Alban's-street, Kennington-road, in the parish of Lambeth, in the county of Surrey, grocer and retailer of beer, *d. c.*, but now of No. 22, Bryan-street, Pentonville, in the county of Middlesex, out of business.—Official assignee, Follett.—Sol. Knuckley, Wilmington-square. Fiat, Oct. 20. Bankrupt's own petition.
- ELLIOTT Nathaniel, of Heywood, in the parish of Bury, in the county of Lancaster, grocer and tea-dealer, *d. c.*—Official assignee, Fraser.—Sols. Mayhew & Son, Carey-street, and Halsall, Middleton. Fiat, Oct. 19. Bankrupt's own petition.
- EVANS George, of Canon's Marsh, in the city of Bristol, carpenter and builder, *d. c.*—Official assignee, Acraman.—Sol. Hinton, Bristol. Fiat, Oct. 16. Bankrupt's own petition.
- GRILLS William, of the borough of Launceston, in the county of Cornwall, rope and twine manufacturer, *d. c.*—Official assignee, Hirtzel.—Sols. Gurney & Cowland, Launceston, Bell & Co. Lincoln's Inn-fields, and Turner, Exeter. Fiat, Oct. 9. Bankrupt's own petition.
- KETTLEWELL Kaberry, of Leeds, in the county of York, silver-smith and jeweller.—Sols. Sudlow & Co. Chancery-lane, and Middleton, Leeds. Fiat, Oct. 15. Pet. Cr. Edward Grafton, of Fleet-street, watch-manufacturer.
- MARSHALL John, of Shipaton-on-Stour, in the county of Worcester, corn-dealer and coal-merchant.—Official assignee, Whitmore.—Sols. Letts, Bartlett's-buildings, and Motteram & Knowles, Birmingham. Fiat, Oct. 9. Bankrupt's own petition.
- PINK John, of Westbourne Park Villas, Paddington, in the county of Middlesex, architect and builder.—Official assignee, Turquand.—Sols. Rhodes & Lane, Chancery-lane. Fiat, Oct. 18. Pet. Cr. Mary Browne and John Jones, of High-row, Knightsbridge, plumbers.
- SOUTHAM James Heginbotham, and George Southam, of Ashton-under-Lyne, in the county of Lancaster, cotton-spinners and manufacturers, *d. c.* and copartners.—Official assignee, Hobson.—Sols. Spinks, Great James-street, Gartside, Ashton-under-Lyne, and Sale & Co. Manchester. Fiat, Oct. 14. Pet. Cr. John and James Knott, of Ashton-under-Lyne, cotton-manufacturers.
- STOCKS Samuel, and Mortimer Lavater Tait, of Manchester, and of Heaton Mersey, in the county of Lancaster, bleachers and finishers, merchants, and copartners in trade, *d. c.*—Official assignee, Hobson.—Sols. Fox, Finsbury-circus, and Worthington & Co. Manchester. Fiat, Oct. 15. Pet. Cr. William Thomas Jackson Lockwood and William Lockwood, of Manchester, commission-agents.

VENABLES James, the younger, of No. 234, Tottenham-court-road, in the county of Middlesex, butcher, *d. c.*—Official assignee, Graham.—Sol. Buchanan, Basinghall-street. Fiat, Oct. 18. Bankrupt's own petition.

WHITEHEAD James, and Samuel Doyle, of Boston, in the county of Lincoln, glovers, hosiers, *d. c.* and copartners in trade.—Official assignee, Bittleston.—Sols. Wood & Fraser, Dean-street, Soho. Fiat, Oct. 14. Pet. Cr. Edward Frost, of Greek-street, Soho, leather-seller.

WILLIAMS Isaac, of Merthyr Tydvil, in the county of Glamorgan, grocer, *d. c.*—Official assignee, Miller.—Sols. Smith, Merthyr Tydvil, and Messrs. Livett, Bristol. Fiat, Oct. 18. Pet. Cr. John Ansell, of Merthyr Tydvil, merchant.

CERTIFICATES to be allowed November 12.

- Barlow John, sen., and James Gill, of Calvert's-buildings and Maidstone, hop-factors.
- Card John, of Westbury, miller and builder.
- Denman Thomas, of the Quadrant and Buckingham-street, mason.
- Hamilton Charles James, of High-street, Islington, bookseller.
- Hartup Samuel, of Banbury, carpenter.
- Harvey George Luck, of Rood-lane, wine-merchant.
- Hodges William, of Kingsgate-street, cloth-worker.
- Macqueen Farquhar, of Leadenhall-street, merchant, (partner with Alexander Macdonald).
- Morris John, of Crown-street, Finsbury, and Old Broad-street, St. Luke's, leather-seller.
- Pearson Lazenby, of Newcastle, currier.
- Perry Francis, jun., of Austin-friars, merchant.
- Sharp James, of Bradford, cotton-spinner, (partner with Christopher Stowell).
- Smith Joseph, of Kendal, commission-agent.
- Ternan Charles, and Charles Ternan, jun., of the Polygon, Somers-town, builders.
- Thomas Evan, of Aldersgate-street, draper.
- Wood Edwin, of King William-street, tobacconist.

DIVIDENDS.

Date of Fiat.

- 1800, ANDERSON Alexander, and David Robertson, of Coleman-street, London, insurance-brokers: final div.
- 1847, ANDREWS James, of Kite-hill, in Binstead, Isle of Wight, Hants, miller and coal-merchant: div.
- 1844, BARKER Robert, of Manchester, Lancashire, druggist: final div.
- 1830, BEESTON Henry, and John Dunston, of Houndsditch, London, manufacturers of Fraser's safety ship-hearths and capatans, under the firm of Henry Beeston & Co.: div.
- 1842, BOURNE Jehu George, of No. 9, Wellington-terrace, Clapham, Surrey, carpenter and builder: final div.
- 1847, BRECKNALL Henry Byerley, of No. 184, Oxford-street, London, draper: div.
- 1847, BUTTERELL Joseph Leadbeater, of Doncaster, Yorkshire, grocer: div.
- 1846, CONLEN James, of Cheltenham, Gloucestershire, woollen-draper: second div.
- 1847, COOKE Thomas Taplin, of Manchester, Lancashire, bill-vender: first div.
- 1845, DAVIES Thomas, of Liverpool, Lancashire, merchant and commission-agent: div.
- 1847, GLOVER Robert, and Frederick Glover, both of Leeds, Yorkshire, dyers, trading under the firm of Robert and Frederick Glover: sep. div.
- 1847, HILL Thomas, of Liverpool, Lancashire, ironmonger: div.
- 1811, KIRKPATRICK Thomas, of Gracechurch-street, London, draper: final div.
- 1847, MORSE Joseph, of Nethrop, Oxfordshire, woolstapler: div.
- 1822, OTLEY George, of No. 19, New Bond-street, Middlesex, tailor and draper: final div.
- 1847, PEARL James Wilson, of Milton-street, Dorset-square, Middlesex, horse-dealer: div.
- 1847, PULLAN Thomas Holmes, of Sheffield, Yorkshire, hosier: div.
- 1847, SEWELL Edward, of No. 40, Old Bond-street, Middlesex, hatter: div.

Date of Fiat.

- 1847, SMITH Joseph, of Ashton in Mackerfield, Lancashire, cotton-spinner; div.
- 1847, TREWICK Joseph, the younger, of Newcastle-upon-Tyne, draper; first div.
- 1847, WADE Richard, of No. 89, Cheapside, London, tailor and draper; div.
- 1846, WILKS William, of Leeds, Yorkshire, builder and stone-mason; second div.
- 1847, WOODHOUSE Henry, and Thomas Theakstone Woodhouse, of Aldermanbury, London, warehousemen; joint div.

Gazette, Tuesday, October 26.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- CARTER Anthony, of Romford, in the county of Essex, saddler, *d. c.*—Official assignee, Bell.—Sol. Rickards & Co. Lincoln's Inn-fields. Fiat, Oct. 19. Bankrupt's own petition.
- DAWBER Thomas, of Manchester, Lancashire, calico-printer, *d. c.*—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Iligson & Robinson, Manchester. Fiat, Oct. 19. Pet. Cr. Absalom Watkin, of Manchester, commission-agent.
- EVANS Robert Davies, of Wrexham, in the county of Denbigh, draper.—Official assignee, Turner.—Sols. Philpot, jun., Montague-street, Hughes, Wrexham, and Evans & Sons, Liverpool. Fiat, Oct. 19. Bankrupt's own petition.
- FLETCHER Charles, of No. 131, Regent-street, in the county of Middlesex, watch-maker, *d. c.*—Official assignee, Johnson.—Sols. Taylor & Collison, Great James-street. Fiat, Oct. 22. Bankrupt's own petition.
- GEE Joel, of Dukinfield, in the county of Chester, cotton-spinner, *d. c.*—Official assignee, Fraser.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, Oct. 15. Pet. Crs. William Alderley Stanway and Samuel and James Lees, of Manchester, cotton-merchants.
- GUEST James, of Manchester, in the county of Lancaster, cotton-spinner and manufacturer, *d. c.*—Official assignee, Hobson.—Sols. Abbott, Charlotte-street, and Atkinson & Co. Manchester. Fiat, Oct. 22. Pet. Cr. John Alfred Armstrong, of Manchester, cotton-merchant.
- HOLDITCH George, John Flinn Holditch, and Edward Duncan Holditch, of Bankside, Southwark, in the county of Surrey, cider-merchants.—Official assignee, Green.—Sols. Wire & Child, St. Swithin's-lane. Fiat, Oct. 19. Pet. Crs. Joseph Underwood and David Hills, of No. 25, Eastcheap, distillers.
- HOOVER John, of Honiton, in the county of Devon, market-gardener, *d. c.*—Official assignee, Hernaman.—Sols. Laidman, Exeter, and Clowes & Co. Temple. Fiat, Oct. 19. Bankrupt's own petition.
- HORSLEY Howard, of Liverpool, in the county of Lancaster, warehouseman, cowkeeper, *d. c.*—Official assignee, Cazenove.—Sols. Vincent, Temple, and Irlam & Fletcher, Liverpool. Fiat, Oct. 18. Pet. Cr. William Earle, of Liverpool, merchant.
- JAMES Arthur, of the borough and county of Newcastle-upon-Tyne, oil, colour, and glass merchant, *d. c.*—Official assignee, Baker.—Sols. Bolding & Pope, Scot's-yard, and Forster, Newcastle. Fiat, Oct. 19. Bankrupt's own petition.
- KNAPP Henry, of Abingdon, in the county of Berks, banker, carrying on business under the style of Knapp & Co. at Abingdon aforesaid.—Official assignee, Johnson.—Sols. Neate, Lincoln's Inn-fields, and Ormond, Abingdon. Fiat, Oct. 18. Pet. Cr. William Belcher and William Doe Belcher, of Abingdon, brewers.
- LAWRENCE William, of Ealing, in the county of Middlesex, carrying on business at Ealing aforesaid, as a grocer and tea-dealer, and also carrying on business at No. 316, Regent-street, Oxford-street, in the same county, as a straw-hat manufacturer, under the name, style, or firm of Nunn & Co.—Official assignee, Graham.—Sol. Esplin, Bedford-row. Fiat, Oct. 22. Bankrupt's own petition.
- LAXTON John, of Frogmore Wharf, Rickmansworth, in the county of Hertford, coal-merchant and wharfinger, *d. c.*—Official assignee, Follett.—Sols. Tucker & Co. Sun Chambers. Fiat, Oct. 19. Bankrupt's own petition.

LEIGHTON Andrew, of Liverpool, in the county of Lancaster, broker, merchant, flax and jute spinner, *d. c.*—Official assignee, Morgan.—Sols. Rowland & Co. Threadneedle-street, and Jeros, Liverpool. Fiat, Oct. 19. Bankrupt's own petition.

LENTON John, of Bourn, in the county of Lincoln, butcher, *d. c.*—Official assignee, Bittleston.—Sol. Lees, Nottingham. Fiat, Oct. 16. Bankrupt's own petition.

MARTIN Thomas, late of No. 35, Whitechapel-road, but now of No. 73, Nicholas-square, Hackney-road, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Bell.—Sol. Thrupp, Winchester-buildings. Fiat, Oct. 5. Pet. Cr. Frederick Blucher Ingall and Fitzherbert Macqueen, of No. 91, Houndsditch, distillers.

MOCKETT Henry, of New Shoreham, in the county of Sussex, merchant and innkeeper, coach-proprietor, commercial-agent, *d. c.*—Official assignee, Turquand.—Sols. Harbin & Co. Clement's Inn, and Mardall, Shoreham. Fiat, Oct. 19. Bankrupt's own petition.

PEARSON Daniel, of the Dudley Port Foundry, in the parish of Tipton, in the county of Stafford, engine manufacturer, *d. c.*—Official assignee, Christie.—Sols. Bolton, Dudley, and Motteram & Knowles, Birmingham. Fiat, Oct. 15. Pet. Cr. John Kenyon Blackwell and Samuel Holden Blackwell, of Dudley, iron-masters and partners.

RIDEHOUGH Thomas, and John Ridebough, of Mytholm Royd, in the parish of Halifax, in the county of York, worsted-spinners and manufacturers, *d. c.*—Official assignee, Hope.—Sols. Emmett & Co. Bloomsbury-square, Alexander & Hammerton, Halifax, and Courtenay, Leeds. Fiat, Oct. 15. Pet. Cr. Samuel Thwaite, registered public officer of the Halifax and Huddersfield Union Banking Company.

ROSS John, of Ilkeston, in the county of Derby, hosier, draper and grocer.—Official assignee, Bittleston.—Sol. Brown, Nottingham. Fiat, Oct. 12. Bankrupt's own petition.

SCHOLES Richard, of Bury, in the county of Lancaster, green and flour dealer, *d. c.*—Official assignee, Pott.—Sols. Clarke & Co. Lincoln's Inn-fields, and Whitehead, Bury. Fiat, Oct. 22. Bankrupt's own petition.

SHAKESPEARE Richard, of Banbury, in the county of Oxford, tailor and draper.—Official assignee, Turquand.—Sol. Sharp, Verulam-buildings. Fiat, Oct. 22. Bankrupt's own petition.

SMITH William, of Colne, and also of Trawden, both in the county of Lancaster, cotton-manufacturer, *d. c.*—Official assignee, Pott.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, Oct. 18. Pet. Cr. Thomas Thornber, of Vivary Bridge, near Colne, cotton-spinner.

TURNER Henry, of Wolverhampton, in the county of Stafford, scrivener, *d. c.*—Official assignee, Valpy.—Sols. Robinson, Wolverhampton, and Motteram & Knowles, Birmingham. Fiat, Oct. 19. Pet. Cr. Elizabeth Bill, of Brewood, widow.

WARBURTON Mary, of Freetown, in Bury, in the county of Lancaster, hat-manufacturer, victualler, *d. c.*—Official assignee, Pott.—Sols. Clarke & Co. Lincoln's Inn-fields, and Whitehead, Bury. Fiat, Oct. 19. Bankrupt's own petition.

CERTIFICATES to be allowed November 16.

Ackling Thomas, of Highworth, corn-dealer.

Bowles Thomas, of Horsmonden, victualler.

Crump William, of Abergavenny, innkeeper.

Forster John, and William Davey, of Leeds, flax-spinners.

Green Christopher, of St. Mary Overy's Dock, wharfinger.

Hill Thomas, of Liverpool, ironmonger.

Pearl James Willson, of Milton-street, Dorset-square, horse-dealer.

Stirling Thomas, sen., and William Stirling, of Stratford, slaters.

Wain William, of Manchester, pocket book maker.

Weston Robert, of Manchester, musical instrument seller.

Yates Thomas, of Liverpool, joiner.

DIVIDENDS.

Date of Fiat.

- 1847, AGER Joseph, of Northampton, boot-maker; div.
- 1847, BAGNALL George, of Newcastle-upon-Tyne, music-seller; div.
- 1847, BELL, Mary Elizabeth, widow, and James Bell, of No. 16, Finch-lane, Cornhill, London, newsvenders and news and advertising agents, carrying on business at No. 16, Finch-lane, as newsvenders and advertising agents; joint div.

Date of Fiat.

- 1847, **BERNER** Frederick, of West Kirby and Birkenhead, Cheshire, tea-dealer and Italian warehouseman, trading under the firm of Berner & Co.; div.
- 1847, **BOYD** Isaac, and Richard Hamner, of No. 20, Spital-square, Middlesex, silk-manufacturers; joint div.
- 1847, **BROWN** William Smith, the elder, and William Smith Brown, the younger, of No. 53, Broad-street, Ratcliffe, Middlesex, sail-makers and ship-chandlers; joint div.
- 1841, **BRYANT** Lewis, of Stamford Hill, Middlesex, coal-merchant; div.
- 1846, **BURROWS** Charles, of East Stonehouse, Devonshire, and John Gliddon, of Plymouth, Devonshire, beer-brewers, trading under the style or firm of Burrows & Gliddon at Plymouth; joint div. and sep. div. of Burrows.
- 1846, **BURROWS** William, of No. 15, Grove-street, Hampstead-road, Middlesex, builder; div.
- 1846, **CARNE** Joseph, the younger, of Falmouth, Cornwall, grocer; div.
- 1847, **COGAN** Robert, of No. 48, Leicester-square, Middlesex, glass, lead, and colour merchant; div.
- 1847, **CONEY** James, of No. 23, Holderness Wharf, Harrow-road, Middlesex, mason and stone merchant; div.
- 1847, **FOX** Charles, of Kingston-upon-Hull, victualler and tavern-keeper; first div.
- 1847, **HAY** William Darling, of Newcastle-upon-Tyne, bread and biscuit baker; first div.
- 1847, **HAYDAY** Richard, of Milk-street, Cheapside, London, silk warehouseman; div.
- 1847, **HOUGHTON** Charles, of No. 58, Dudley Grove, Paddington, Middlesex, ironmonger, late of Farringdon-street, London, ironmonger; div.
- 1841, **JENNINGS** William, of Bungay St. Mary, in Bungay, Norfolk, maltster and merchant; final div.
- 1842, **M'CONKEY** Thomas, and Adam Howie, of Lanbeg, county of Down, bleachers, traders in Lancashire; div.
- 1847, **MAY** Thomas Henry, of No. 27, Little Britain, London, baker and flour-factor; div.
- 1816, **MORTON** William, of Cannon-street-road, Commercial-road, Middlesex, draper; div.
- 1847, **PINDER** Thomas Hutchens, of Southampton, and also of Gloucester, tailor and draper, hatter and shoe-dealer; div.
- 1845, **TYDEMAN** William, of Chelmsford, Essex, timber-merchant and coal-merchant; div.
- 1847, **VYSE** Charles, of No. 30, Ludgate-street, London, straw-bonnet maker and draper; div.
- 1841, **WAKEFIELD** Francis, and Charles Greeves Wakefield, of No. 70, Old Broad-street, London, brokers; div.
- signee, Johnson.—Sol. Lewis, New Inn. Fiat, Oct. 22. Pet. Cr. Alexander Ford, of Upper Manor-street, Chelsea, gent.
- GUSTERSON** Gabriel, of No. 19, Paradise-walk, Queen's-road West, Chelsea, in the county of Middlesex, builder, d. c.—Official assignee, Johnson.—Sols. Lawrance & Plews, Old Jewry Chambers.
- HILL** Joseph, the younger, of East-street, and Blechynden-terrace, in the town and county of the town of Southampton, builder, surveyor and brick-maker, d. c.—Official assignee, Bell.—Sol. Braikenridge, Bartlett's-buildings.
- JONES** John, of Manchester, in the county of Lancaster, coal-dealer, and a partner in the Lancashire, Yorkshire and Newcastle Coal Company.—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Pollard, Manchester. Fiat, Oct. 19. Bankrupt's own petition.
- MABBOTT** Joseph, of Edwin-street, in the parish of Milton next Gravesend, in the county of Kent, printer and publisher, d. c.—Official assignee, Bell.—Sol. Wilkinson, Nicholas-lane. Fiat, Oct. 15. Pet. Cr. Emanuel Cooper, of Lombard-street, banker.
- M'GEORGE** Jonas, of No. 78, Wardour-street, Soho, in the county of Middlesex, ironmonger and smith.—Official assignee, Follett.—Sol. Goren, South Molton-street. Fiat, Oct. 26. Pet. Cr. John Felce Steel, of Marlborough-mews, Great Marlborough-street, iron-founder.
- MEYER** Edward Simeon, and Thomas George Brownsmith, trading under the style or firm of Meyer & Brownsmith, of No. 22, Bedford-street, Covent-garden, in the county of Middlesex, fringe-manufacturers.—Official assignee, Turquand.—Sol. Tippetts, Pancras-lane. Fiat, Oct. 26. Pet. Crs. Joseph Benjamin Heywood and George Thomas Heywood, of Lamb's Conduit-street, manufacturers.
- PROCKTER** George, Joseph Prockter, and Thomas Prockter, all of Rochdale, in the county of Lancaster, cotton-spinners and co-partners, trading under the firm of James Prockter & Sons.—Official assignee, Fraser.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, Oct. 22. Pet. Cr. Philip Gould, of Manchester, cotton-merchant.
- SCALE** Richard Burgess, of Assembly-row, Leytonstone, in the county of Essex, boarding and lodging-house keeper.—Official assignee, Bell.—Sol. Shaw, Fish-street-hill. Fiat, Oct. 26. Pet. Cr. William Moye, of Halstead, Essex, wine-merchant.
- SMITH** Thomas, of Swineshead, in the county of Lincoln, cattle and sheep salesman.—Official assignee, Bittleston.—Sol. Brown, Nottingham. Fiat, Oct. 20. Bankrupt's own petition.
- SMITH** Prince William, of the city of Bristol, currier, leather-seller, d. c.—Official assignee, Acraman.—Sol. Dix, Bristol. Fiat, Oct. 22. Bankrupt's own petition.
- SPENCE** James, of Liverpool, in the county of Lancaster, merchant.—Official assignee, Turner.—Sols. Fletcher & Hull, Liverpool, and Messrs. Cotterell, Throgmorton-street. Fiat, Oct. 22. Bankrupt's own petition.
- STOCKHAM** John, of the city of Bristol, marble-mason.—Official assignee, Acraman.—Sols. Jay, Serjeants' Inn, and Crosby, Bristol. Fiat, Oct. 22. Bankrupt's own petition.
- TUPLING** John, of Cambridge, in the county of Cambridge, shoemaker, d. c.—Official assignee, Bell.—Sols. Ravenscroft, Guildford-street, and Cooper, Cambridge. Fiat, Oct. 16. Bankrupt's own petition.
- WAINWRIGHT** John, of Digbeth, in Birmingham, in the county of Warwick, draper, d. c.—Official assignee, Whitmore.—Sols. Sale & Co. Manchester, and Suckling, Birmingham. Fiat, Oct. 26. Pet. Cr. Robert Eaton Blackwall, of Manchester, linen-merchant.
- WALTON** Benjamin, of Wolverhampton, in the county of Stafford, japanner and tin-plate worker, d. c.—Official assignee, Whitmore.—Sols. Clarke & Sparrow, Wolverhampton, and Motteram & Knowles, Birmingham. Fiat, Oct. 18. Pet. Crs. George Lees Underhill and Joseph Underhill, of Wolverhampton, iron-mongers.
- WILLIS** William, of Trowbridge, in the county of Wilts, wool-broker, d. c.—Official assignee, Hutton.—Sols. Moule & Co. Melksham. Fiat, Oct. 22. Pet. Crs. Charles and Richard Gane, of Trowbridge, builders.

Gazette, Friday, October 29.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

PROSSER Thomas, of St. John in Bedwardine, builder.

TOWN AND COUNTRY FIATS.

BAYNES Richard, of Liverpool, in the county of Lancaster, flour-dealer and baker.—Official assignee, Bird.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Oct. 21. Pet. Cr. James M'Henry, of Liverpool, merchant.**DOWSING** William, of Salt House-street, in the parish of St. Clement's, Ipswich, in the county of Suffolk, oil and colourmen, painter and ship-chandler.—Official assignee, Graham.—Sols. Kirk, Symond's Inn, and Galsworthy, Ipswich. Fiat, Oct. 25. Bankrupt's own petition.**DUPOUY** François, of No. 4, Cross-lane, St. Dunstan's-hill, in the city of London, wine-merchant, d. c.—Official assignee, Green.—Sol. Sangster, St. Swithin's-lane. Fiat, Oct. 25. Bankrupt's own petition.**FLASHMAN** Henry Pannell, of Bute-street, Brompton, in the county of Middlesex, soda-water manufacturer, d. c.—Official as-

WRIGHT Charles, of the borough of Sunderland, in the county of Durham, hatter and furrier, *d. c.*, trading under the style or firm of Dobbing & Company.—Official assignee, Wakley.—Sols. Maples & Co. Frederick's-place, and Messrs. Wright, Sunderland. Fiat, Oct. 20. Bankrupt's own petition.

CERTIFICATES to be allowed November 19.

Blyth John, of Barnstaple, wine-merchant.
 Heard David, sen., of Barking, smack-owner.
 Knowles Sir Francis Charles, bart., of Queen-street, May-fair, banker.
 Phillipo James, of Cross-street, Finsbury, horse-dealer.
 Skipworth Thomas, of Belton, miller and brick-maker.
 Smith Joseph, of Ashton-in-Mackerfield, cotton-spinner.
 Stephenson John, of Horncastle, draper.
 Sykes William, of the Old and New Catherine Wheel-yards, and Saville-place, Mile-end, carrier.
 Weston James Ricketts, of Southampton, auctioneer.
 Woodgate Stephen, of Westmoreland-place, Camberwell, auctioneer.

DIVIDENDS.

Date of Fiat.

1811, ALDEBERT Isaac, Charles Christian Becher, and James Hargreaves, late of St. Paul's-churchyard, but now of Copt-hall-buildings, London, merchants; div.
 1847, BENNETT William, and Henry Selby Reeve, of the Duke of Clarence, London-road, Surrey, licensed victuallers; div.
 1847, DAWN Andrew, of Mansfield, Nottinghamshire, draper and hatter; div.
 1816, STEVENS John, of Abchurch-lane, London, merchant; fur. div.
 1846, STOUT James, of Liverpool, Lancashire, boot and shoe maker; div.

Gazette, Tuesday, November 2.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ADAMS Joseph, of No. 39, Finsbury-square, in the county of Middlesex, surgeon and apothecary.—Official assignee, Graham.—Sol. Mackrell, Lincoln's Inn-fields. Fiat, Oct. 30. Bankrupt's own petition.
 BENNETT George, of the town and county of the town of Southampton, wine-merchant, *d. c.*—Official assignee, Bell.—Sol. Wheelock, Chancery-lane. Fiat, Oct. 29. Pet. Crs. Robert Wyld Barrow, Charles Barrow, and William Golding, of Coleman-street, wine-merchants.
 CHAPPELOW William, the younger, of No. 107, Jermyn-street, St. James's, in the county of Middlesex, wholesale saddler, *d. c.*—Official assignee, Cannan.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Oct. 30. Bankrupt's own petition.
 COOKE William Walker, of Denton, in the county of Lancaster, hat-manufacturer, *d. c.*, carrying on business at Denton aforesaid, under the style or firm of William & Edward Cooke.—Official assignee, Hobson.—Sols. Clarke & Co. Lincoln's Inn-fields, and Brooks, Ashton-under-Lyne. Fiat, Oct. 25. Bankrupt's own petition.
 COWCHER Edward, of the city of Bath, apothecary.—Official assignee, Miller.—Sol. Neate, Lincoln's Inn-fields. Fiat, Oct. 25. Bankrupt's own petition.
 GARDENER Joseph William, of Wotton-under-Edge, in the county of Gloucester, teale-merchant, *d. c.*—Official assignee, Hutton.—Sols. Jones & Co. Crosby-square, and Timbrill & Merri-ck, Bradford. Fiat, Oct. 25. Bankrupt's own petition.
 HEAD Arthur Joseph, of No. 5, St. Peter's-terrace, Hammersmith, in the county of Middlesex, attorney-at-law and scrivener, *d. c.*—Official assignee, Graham.—Sol. Long, Old Broad-street. Fiat, Oct. 22. Pet. Cr. Maria Regan, of Bromley, near Bow, widow.
 HEATH George, and George Dann, of the city of Canterbury, drapers and copartners.—Official assignee, Green.—Sols. Reed & Co. Friday-street. Fiat, Oct. 22. Pet. Crs. Sampson Copestake, Richard Groucock, and George Moore, of Bow-churchyard, lace-manufacturers.

LANDS Thomas, of No. 98, Edgware-road, in the county of Middlesex, boot and shoe maker, *d. c.*—Official assignee, Turquand.—Sol. Lambert, Gray's Inn. Fiat, Oct. 29. Pet. Cr. Joseph Dodman, of Sloane-square, boot-maker.

LEWIS Morgan, of Oxford-street, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, Follett.—Sols. Reed & Co. Friday-street. Fiat, Oct. 30. Pet. Crs. Jonathan Crocker and Albert John Crocker, of Friday-street, warehousemen.

NEWSON William, late of Calcutta, in the East Indies, merchant, trading in copartnership with George Fraser Railey, under the firm of William Newton & Co., and now of No. 32, St. Mary Axe, in the city of London, commission-agent.—Official assignee, Green.—Sols. Lawrance & Co. Old Jewry Chambers. Fiat, Oct. 25. Bankrupt's own petition.

PAGE Joseph Henry, late of Queen-street, Cheapside, but now of Pancras-lane, in the city of London, auctioneer, *d. c.*—Official assignee, Graham.—Sol. Holt, Chatham-place. Fiat, Oct. 30. Bankrupt's own petition.

ROBINSON John, of Bradford and Keighley, both in the county of York, worsted-spinner and manufacturer.—Official assignee, Freeman.—Sols. Nethersole, New Inn, Foster, Bradford, and Harle & Clarke, Leeds. Fiat, Oct. 15. Pet. Cr. Jonathan William Arderton, of Keighley, manufacturer.

SANDEMAN George, of No. 2, York-street, in the borough of Southwark, in the county of Surrey, ironmonger, *d. c.*—Official assignee, Whitmore.—Sol. Fitch, Union-street. Fiat, Oct. 30. Bankrupt's own petition.

SPICER John Henry, of Wandsworth Paper Mills, Wandsworth, in the county of Surrey, paper-maker.—Official assignee, Green.—Sols. Tucker & Co. Sun Chambers. Fiat, Oct. 30. Pet. Cr. William Randall Wood, of Wandsworth, corn and coal merchant.

SWAINSON Charles Lowe, and John Birchwood, of Manchester, in the county of Lancaster, manufacturers.—Official assignee, Fraser.—Sols. Worthington & Co. Manchester, and Fox, Finsbury-circus. Fiat, Oct. 26. Pet. Crs. Robert Alexander Kennedy, Matthew Kennedy, and Andrew Brown Kennedy, of Manchester, cotton-spinners.

TERRY John, of the city of Bath, in the county of Somerset, ironmonger, *d. c.*—Official assignee, Acraman.—Sol. Physick, Bath, and Frankham & Co. Basinghall-street. Fiat, Oct. 25. Bankrupt's own petition.

TURNER Rowland, of Old Cavendish-street, in the parish of St. Marylebone, in the county of Middlesex, tailor.—Official assignee, Johnson.—Sols. Wood & Fraser, Dean-street. Fiat, Nov. 1. Pet. Cr. William Sydney Wheeler, of Ludgate-street, warehouseman.

WILDERS Henry, formerly residing at Uttoxeter, in the county of Stafford, farmer, afterwards of Burton-upon-Trent, in the same county, brewer, *d. c.*, and now of Uttoxeter aforesaid, out of business.—Official assignee, Christie.—Sols. Wells, Uttoxeter, and James, Birmingham. Bankrupt's own petition.

WILKINS William, and John Everett Evans, of Trowbridge, in the county of Wilts, woollen-drapers, *d. c.* and copartners.—Official assignee, Johnson.—Teague, Crown-court. Fiat, Oct. 26. Pet. Cr. Simeon Renter, of Moorgate-street Chambers, wool-merchant.

WRIGHT John, of Pendleton, in the county of Lancaster, dyer.—Official assignee, Pott.—Sols. Walker, Southampton-street, and Messrs. Whitworth, Manchester. Fiat, Oct. 22. Pet. Cr. Cornelius Nichols, of Salford, dyer.

CERTIFICATES to be allowed November 23.

Boulton John, of Ashton-under-Lyne, carrier.
 Cooke William Bromley, of Winahill, tape-manufacturer.
 Evans Henry, of Heanor, builder.
 Gardner Joseph, of Nottingham, baker.
 Hill John, and George Hill, of St. David, builder.
 Hillmann John, of Worcester, grocer.
 Insall William, of Shipston-on-Stour, auctioneer.
 Johnson Robert, jun., of Pakefield, grocer.
 Ogden William, of Chorlton, flour-dealer.

DIVIDENDS.

Date of Fiat.

1844, BROWN Edward, of Birmingham, Warwickshire, merchant; div.
 1807, CHRISTIN Francis Harvey, John Calvert Clarke, and Charles Bowen, of College-hill, London, merchants; div.

Date of Fiat.

- 1847, COGAN Robert, of No. 48, Leicester-square, Middlesex, glass, lead, and colour merchant; div.
- 1847, GARDINER Richard Williams, late of Lower Hopton, in Much Cowarne, Herefordshire, since of Gloucester, afterwards of Southampton-row, Russell-square, Middlesex, afterwards of Gloucester, then of Longford, Gloucestershire, but now of Hereford, cattle-dealer and horse-dealer; div.
- 1847, JONES James, of Birkenhead, Cheshire, chemist and druggist; div.
- 1847, LANGMEAD William, of Teignmouth, Devonshire, banker; div.
- 1842, LEICESTER Peter, of Longsight, near Manchester, Lancashire, slate-merchant; div.
- 1847, ROBINSON Alfred Gerard, residing at Rothley, Leicestershire, and carrying on business at Leicester; div.
- 1846, STARK John Mozley, of Gainsborough, Lincolnshire, bookseller and stock and share broker; second div.
- 1845, WADE Benjamin, of No. 111, Strand, Middlesex, tailor and draper; div.
- 1844, WESTRUP Walter, and Thomas Martin Cocksedge, of New Crane, Shadwell, Middlesex, and of Northfleet, Kent, millers and ship-biscuit makers; div.
- 1847, WILLS Robert, of No. 21, Tottenham-court New-road, Middlesex, statuary and mason; div.
- 1846, WOOD George, of No. 30, New Compton-street, Soho, Middlesex, musical-instrument maker; div.

Gazette, Friday, November 5.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ANDREW James, of Dean Water, in the parish of Prestbury, in the county of Chester, and of Manchester, in the county of Lancaster, calico-printer, *d. c.*, formerly carrying on business in partnership with Edward Andrew, deceased, and now carrying on business under the firm of Edward and James Andrew.—Official assignee, Hobson.—Sols. Milne & Co. Temple, and Slater & Co. Manchester. Fiat, Nov. 2. Pet. Cr. James Collier Harter, William Harter, and Thomas Harter, of Manchester, drysalters.
- ARCHER James, of Old King-street, Deptford, in the county of Kent, baker, dealer in flour, *d. c.*—Official assignee, Belcher.—Sol. Sandon, Duke-street, Southwark. Fiat, Nov. 3. Bankrupt's own petition.
- ASTILL William, of Lenton, in the county of Nottingham, iron-monger, husbandry implement maker, *d. c.*, carrying on business at the town of Nottingham, under the firm of Astill & Co.—Official assignee, Freeman.—Sols. Buttery & Co. Nottingham. Fiat, Oct. 30. Bankrupt's own petition.
- BRODIE William Bird, and Charles George Brodie, of Salisbury, in the county of Wilt, bankers, copartners, *d. c.*—Official assignee, Bell.—Sols. Brundrett & Co. Temple. Fiat, Nov. 1. Pet. Cr. William Woodlands, of Salisbury, carrier.
- BUTCHER William, of No. 10, Belle Sauvage-yard, Ludgate-hill, in the city of London, cap-manufacturer.—Official assignee, Groom.—Sol. Billings, King-street, Chapside. Fiat, Nov. 4. Pet. Cr. William Jones, of Hampton-terrace, Camden-town, draper.
- CARTER James, of St. Ives, in the county of Huntingdon, and of Swavesey, in the county of Cambridge, draper, *d. c.*—Official assignee, Turquand.—Sols. Sole & Co. Aldermanbury. Fiat, Oct. 26. Pet. Cr. John Burch, Alfred Luck, and Thomas Coath, of Wood-street, warehousemen.
- CARTER Joseph, and James Baines, both of Liverpool, in the county of Lancaster, merchants and ship-brokers, carrying on business under the style or firm of Carter & Baines.—Official assignee, Bird.—Sols. Humphreys & Co. Gray's Inn-square, and Forshaw & Co. Liverpool. Fiat, Oct. 30. Bankrupts' own petition.
- CLARKSON Joseph, of the Roupell Arms, Woolwich Lower-road, in the parish of Charlton, in the county of Kent, retailer of beer and builder, *d. c.*—Official assignee, Follett.—Sols. Messrs. Corner, Dean-street, Southwark. Fiat, Nov. 3. Bankrupt's own petition.

CLIFTON Thomas, of Lawrence Pountney-lane, in the city of London, plate glass silversmith.—Official assignee, Whitmore.—Sols. Elmslie & Preston, Moorgate-street. Fiat, Nov. 1. Pet. Cr. George Simpson and George Augustus Elmslie, of Union-buildings, Leather-lane, tin-foil manufacturers.

CORMACK William John, of New Cross, Deptford, in the county of Surrey, seedman, florist, *d. c.*—Official assignee, Green.—Sols. Simpson & Co. Moorgate-street. Fiat, Nov. 3. Bankrupt's own petition.

GRAHAM Anne Beeton, of No. 44, Park-street, Grosvenor-square, in the county of Middlesex, milliner and fancy worker, *d. c.*—Official assignee, Graham.—Sols. Fry & Co. Chapside. Fiat, Nov. 3. Pet. Cr. John Foster, William Foster, and Charles Duncan, of Wigmore-street, artificial florists.

HOLMES Lauret, of No. 1, John-street, Edgeware-road, in the county of Middlesex, statuary and stone-mason, *d. c.*—Official assignee, Graham.—Sol. Buchanan, Basinghall-street. Fiat, Nov. 2. Bankrupt's own petition.

HUGHES Christopher, and George Eastwood, of the city of Manchester, fustian-manufacturers, *d. c.* and copartners.—Official assignee, Fraser.—Sols. Norris & Co. Bedford-row, and Norris & Co. Manchester. Fiat, Nov. 2. Bankrupts' own petition.

JACKSON Thomas Sheriff, Robert John Jackson, and Joseph Hanks, of No. 25, Milk-street, and No. 13, Lawrence-lane, both in the city of London, copartners, factors, warehousemen, *d. c.*—Official assignee, Belcher.—Sols. Lewis & Lewis, Ely-place. Fiat, Oct. 30. Bankrupts' own petition.

PHILLIPS John, of Brynmawr, in the parish of Llanelly, in the county of Brecon, grocer and general shopkeeper.—Official assignee, Miller.—Sols. Blower & Co. London, and Leman, Bristol. Fiat, Oct. 30. Bankrupt's own petition.

RILEY Solomon, of Chapel-field, in Pilkington, in the county of Lancaster, and of Manchester, in the said county, cotton-manufacturer.—Official assignee, Pott.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, Oct. 29. Pet. Cr. James Bleakley, of Little Lever, cotton-spinner.

SMITH John, of South-place, Finsbury-square, in the county of Middlesex, surgeon and apothecary, *d. c.*—Official assignee, Groom.—Sols. Gatty & Garth, Angel-court. Fiat, Nov. 2. Pet. Cr. Ralph Stamper, of Leadenhall-street, chemist.

STORRY Thomas, of Scarborough, in the county of York, printer, bookseller, stationer, *d. c.*—Official assignee, Young.—Sols. Moody, Scarborough, and Blackburn, Leeds. Fiat, Oct. 30. Bankrupt's own petition.

SWAN Robert, of Winchmore-hill, in the county of Middlesex, dealer in cattle, *d. c.*—Official assignee, Johnson.—Sol. Bliss, Lower-road, Islington. Fiat, Nov. 3. Pet. Cr. James Terry, of Shoemaker-row, grocer.

WADDELL James, of Liverpool, in the county of Lancaster, wine and spirit merchant, *d. c.*—Official assignee, Casanova.—Sols. Hall & Co. Gray's Inn, and Neal, Liverpool. Fiat, Oct. 30. Bankrupt's own petition.

CERTIFICATES to be allowed November 26.

Fox Charles, of Hull, victualler.
Glue Joseph, of Derby, victualler.
Jennings William, of Bungay, maltster.
Sharp William, jun., of Pudsey, brewer.

DIVIDENDS.

Date of Fiat.

- 1847, BROWN Samuel, of Sunderland, Durham, common brewer and maltster; first div.
- 1847, GIBBURNE Robert, of Newcastle-upon-Tyne, bookseller and stationer; first div.
- 1847, HAYLOCK Robert, of Cambridge, chemist and druggist, and also share-broker; div.
- 1846, HUBERT Thomas, of No. 1, Great Hall, Hungerford-street, Strand, and of No. 112, High Holborn, Middlesex, lighterman, corn and coal merchant; div.
- 1847, MARTIN Christopher, of Darlington, Durham, plumber and glazier; div.
- 1825, MATTINGLEY William, William Kent, and Benjamin Kent, late of Abingdon and Wantage, Berkshire, bankers; div.

Date of Fiat.

- 1847, RICHARDSON James, of No. 40, Union-street, Spitalfields, Middlesex, glass, china, and earthenware dealer; div.
- 1846, SORBY James, of Sheffield, Yorkshire, scrivener, lead-merchant and smelter of lead ore; div.

Gazette, Tuesday, November 9.

BANKRUPTS.**TOWN AND COUNTRY FIATS.**

ALBERT Dominique Frick, now or late of the city of Manchester, dealer in mathematical instruments, *d. c.*—Official assignee, Hobson.—Sols. Norris & Co. Bedford-row, and Messrs. Norris, Manchester. Fiat, Oct. 29. Pet. Crs. William Leigh and John Tomlinson, all of Manchester, ironmongers.

ALEXANDER William, of the city of Bath, in the county of Somerset, shirt-maker and outfitter, *d. c.*—Official assignee, Hutton.—Hellings, Bath. Fiat, Nov. 2. Bankrupt's own petition.

BEALL Felix John, of Queen-street, Hammersmith, in the county of Middlesex, baker, *d. c.*—Official assignee, Cannan.—Sols. Lewis & Lewis, Ely-place. Fiat, Nov. 6. Bankrupt's own petition.

BOWSER Thomas, of Morpeth, in the county of Northumberland, linen and woollen draper.—Official assignee, Baker.—Sols. Woodman, Morpeth, and Crosby & Compton, Church-court. Fiat, Nov. 2. Bankrupt's own petition.

DUTTON Richard, of No. 4, Sambrook-court, Basinghall-street, in the city of London, wool-broker.—Official assignee, Bell.—Sol. Vallance, Old Jewry Chambers. Fiat, Nov. 5. Pet. Cr. Bernhard Fidor, of Basinghall-street, wool-merchant.

GILBERT James, of No. 49, Paternoster-row, in the city of London, bookseller and publisher.—Official assignee, Bell.—Sol. Gale, Basinghall-street. Fiat, Nov. 6. Pet. Crs. Leaspidge Smith, William Francis Chapman, and Thomas Weedon, of Paternoster-row, stationers.

GIMSON Benjamin, and Josiah Gimson, of Leicester, in the county of Leicester, engineers, millwrights, *d. c.*—Official assignee, Bittleston.—Sol. Maples, Nottingham. Fiat, Nov. 3. Bankrupts' own petition.

HUNT Henry, of Derby, in the county of Derby, maltster.—Official assignee, Bittleston.—Sols. Poole & Co. Gray's Inn, Vallack, Derby, and Bowley, Nottingham. Fiat, Oct. 30. Bankrupt's own petition.

LEE John, of the city of Coventry, in the county of Warwick, watchman, *d. c.*—Official assignee, Valpy.—Sols. Austen & Hobson, Raymond-buildings, and Troughton & Lea, Coventry. Fiat, Nov. 1. Pet. Cr. R. K. Rotherham, of Coventry, registered officer of Coventry and Warwickshire Banking Company, esq.

LOWDEN Joseph, of Leeds, in the county of York, ironmonger, *d. c.*—Official assignee, Hope.—Sols. Sudlow & Co. Bedford-row, and Raynar & Son, Leeds. Fiat, Nov. 2. Bankrupt's own petition.

MAYBURY Phoebe, of High-street, in the city of Worcester, hosier.—Official assignee, Valpy.—Sols. Pullen, Worcester, and Bloxham, Birmingham. Fiat, Nov. 2. Bankrupt's own petition.

MORTON George, of Leeds, in the county of York, paper-stainer, *d. c.*—Official assignee, Young.—Sols. Jones & Co. John-street, and Hick, Leeds. Fiat, Nov. 2. Bankrupt's own petition.

NORTON James Lansdown, of Birmingham, in the county of Warwick, stationer and print-seller, *d. c.*—Official assignee, Christie.—Sol. Bloxham, Birmingham. Fiat, Nov. 4. Pet. Cr. William Jones, of Birmingham, trunk-maker.

POWELL Jonathan, of Lugwardine, in the county of Hereford, cattle-dealer, farmer, *d. c.*—Official assignee, Christie.—Sols. Gwillim, jun., Hereford, and Suckling, Birmingham. Fiat, Nov. 2. Bankrupt's own petition.

RICHMOND Thomas, of Peterborough, in the county of Northampton, builder, *d. c.*—Official assignee, Green.—Sols. Goddard & Eyre, Wood-street. Fiat, Nov. 8. Bankrupt's own petition.

SHERLOCK Thomas, of No. 32, Lower Rosoman-street, in the parish of St. James, Clerkenwell, in the county of Middlesex, brush-maker.—Official assignee, Follett.—Sol. Knuckey, Wilmington-square. Fiat, Nov. 6. Bankrupt's own petition.

SMITH Charles, of Burwood House, Avenue-road, St. John's Wood, in the county of Middlesex, builder, *d. c.*—Official assignee, Cannan.—Sols. Thompson & Powell, Gray's Inn. Fiat, Nov. 5. Bankrupt's own petition.

SPEARMAN George, of Leeds, in the county of York, silk-mercier.—Official assignee, Johnson.—Sols. Rutter & Trotter, Ely-place. Fiat, Nov. 5. Bankrupt's own petition.

THORNTON Edward, of No. 24, Coleman-street, in the city of London, plumber, painter and glazier, *d. c.*—Official assignee, Pennell.—Sols. Dickson & Overbury, Frederick's-place. Fiat, Nov. 8. Pet. Cr. William Leavers, of Park-street, Islington, Jeweller.

WEBB John, of Luton, in the county of Bedford, straw-plait dealer and bonnet-manufacturer, *d. c.*—Official assignee, Turquand.—Sol. Beart, Bouverie-street. Fiat, Nov. 6. Bankrupt's own petition.

WETTON James Currey, of No. 17, Crown-row, Mile-end-road, in the county of Middlesex, flour-factor, *d. c.*—Official assignee, Pennell.—Sols. Lewis & Lewis, Ely-place. Fiat, Nov. 3. Bankrupt's own petition.

WHEATLEY James Thomas, of No. 31, Commercial-road, Lambeth, in the county of Surrey, lighterman, *d. c.*—Official assignee, Belcher.—Sol. Barnard, Carlisle-street, Soho. Fiat, Nov. 4. Pet. Cr. John Barnard, of Belvedere-road, Lambeth, timber-merchant.

WILLIAMS Charles, of Liverpool, in the county of Lancaster, victualler and flour-dealer, *d. c.*—Official assignee, Morgan.—Sols. Norris & Co. Bedford-row, and Toulmin, Liverpool. Fiat, Nov. 3. Bankrupt's own petition.

WOOD George, of No. 1, Trafalgar-place, Kentish-town, in the county of Middlesex, commission-agent, lately trading at No. 69, Wood-street, Chispaide, in the city of London, with William Cullen Dennes, under the firm of Dennes & Wood, shirt and stock manufacturers.—Official assignee, Green.—Sol. Cross, Surrey-street. Fiat, Nov. 2. Bankrupt's own petition.

CERTIFICATES to be allowed November 30.

Beart Robert Hayward, of Great Yarmouth, wine-merchant.
Clarkson Jonathan, of Chelsea, cheesemonger.
Fenwick Benjamin, of Newcastle, draper.
Lomer Diederick Carsten Hermann, of London-street, merchant.
Palmer Edward, of Brighton, brewer.
Taylor Silas, of Tunbridge Wells, plumber.
Temple William, of Motcombe-street, turner.
Toms William, of Hungerford, brewer, (partner with John Matthews).

DIVIDENDS.

Date of Fiat.

- 1847, ANDREW William, of the Plough Livery Stables, Deval's-lane, Hornsey-road, Middlesex, livery-stable keeper; div.
- 1845, BARON George Stone, of Plymouth, Devonshire, money-scrivener, and also carrying on trade or business at the Sutton Chemical Works, in Plymouth; div.
- 1842, BIDMEAD David, of Bread-street, Chispaide, London, warehouseman and shipping-agent; fur. div.
- 1847, BRAND William Ferries, now or late of Wigan, Lancashire, draper; first div.
- 1847, BRIDCUTT Edward, of Cheltenham, Gloucestershire, ironmonger; div.
- 1845, BURBERY John, of Leek Wootton, Warwickshire, malster; div.
- 1847, CHILD William, of No. 58, Sun-street, Bishopsgate-street, London, shoe-mercier; div.
- 1841, DAY William, and Thomas Day, of No. 95, Gracechurch-street, London, oilmen; final div. of W. Day.
- 1847, ELLETT Elizabeth, of the Turk's Head Inn, Cowick-street, in St. Thomas the Apostle, Devonshire, innkeeper; div.
- 1847, GILLET Thomas, of Gutter-lane, London, warehouseman; div.
- 1846, HALLAM Richard, of Newcastle-under-Lyme, Staffordshire, grocer and tea-dealer; div.
- 1843, HARFORD John, and William Weaver Davies, of Bristol, and of Ebbw Vale and Sirhowy, Monmouthshire, iron-masters, iron-founders, and iron-merchants, trading under the several styles or firms of Harford, Davies & Co., Ebbw Vale and Sirhowy Iron Company, and Harford and Ironfoundry Company; sep. div. of Harford.

Date of Fiat.

- 1817, KITSON Richard, of Cleckheaton, Yorkshire, tow-spinner, lately carrying on business at Brighouse, said county, under the style or firm of Richard Kitson & Co.; first div.
- 1847, LABY James, and Thomas James Laby, of Barking, Essex, coal and provision merchants; joint div.
- 1846, LAMBERT William, of No. 22, Great Titchfield-street, Middlesex, grocer; div.
- 1847, RICH Richard, of Bore-street, Bodmin, Cornwall, currier and leather-cutter; div.
- 1846, SALMON Joseph, of Beaumont, Essex, carpenter and builder; fur. div.
- 1839, YOLE James Cloke, of East Stonehouse, Devonshire, coal-merchant; div.

Gazette, Friday, November 12.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ADAMS Charles Marsh, and Charles Warren, trading under the firm of Adams, Adams, Warren & Co. bankers, at Shrewsbury and Market Drayton, in the county of Salop.—Official assignee, Christie.—Sols. Westmacott & Co. John-street, and Mottram & Knowles, Birmingham. Fiat, Nov. 8. Pet. Cr. Samuel Minor, of Moreton Say, Salop, farmer.
- ARTUS Jose, in copartnership with Julius Israel, of No. 4, Pall Mall, Opera Colonnade, in the county of Middlesex, cigar importer and dealer, d. c.—Official assignee, Green.—Sol. Buchanan, Basinghall-street. Fiat, Nov. 11. Bankrupt's own petition.
- AYRES Thomas, of No. 28, Great Bath-street, Clerkenwell, in the county of Middlesex, fancy cabinet-maker, d. c.—Official assignee, Graham.—Sol. Moss, Serjeants' Inn, Fleet-street. Fiat, Nov. 3. Bankrupt's own petition.
- BARTON William, of Old Brentford, in the county of Middlesex, grocer.—Official assignee, Groom.—Sols. Wright & Bonner, London-street. Fiat, Nov. 6. Pet. Cr. Robert M. Holborn, of No. 39, Mincing-lane, tea-dealer.
- BELLING John, of Fore-street, in the borough of Bodmin, in the county of Cornwall, watch-maker.—Official assignee, Hirtzell.—Sols. Hamley, Bodmin, Sargent, Norfolk-street, and Stogdon, Exeter. Fiat, Nov. 9. Bankrupt's own petition.
- BIRD William Bourne, of Bewdley, in the county of Worcester, chemist and druggist, d. c.—Official assignee, Valpy.—Sol. Tudor, Kidderminster. Fiat, Nov. 8. Bankrupt's own petition.
- CAPPUR George, of Nantwich, in the county of Chester, cheese-factor, d. c., and Ralph Cappur, of the same place, cheese-factor, d. c., and trading under the style or firm of George Cappur and Ralph Cappur, as cheese-factors, at Nantwich aforesaid.—Official assignee, Cazenove.—Sols. Gregory & Co. Bedford-row, and Broughton, Nantwich. Fiat, Nov. 6. Bankrupt's own petition.
- CHARLES Robert, of Leeds, in the county of York, commission-agent, d. c.—Official assignee, Stansfeld.—Sols. Sudlow & Co. Bedford-row, and Shackleton, Leeds. Fiat, Nov. 10. Bankrupt's own petition.
- DOUGLAS George, of Bury, in the county of Lancaster, draper, d. c.—Official assignee, Pott.—Sols. Sale & Co. Manchester, and Reed & Co. Friday-street. Fiat, Nov. 2. Pet. Cr. Edward Werthead and Joshua Proctor Werthead, of Manchester, merchants.
- FRAMPTON Henry Witt, of Bideford, in the county of Devon, grocer and tea-dealer.—Official assignee, Hirtzell.—Sols. Turner, Exeter, and Cowland, Lincoln's Inn-fields. Fiat, Nov. 5. Bankrupt's own petition.
- GEARD John Cole, of Dorset-street, Clapham-road, in the county of Surrey, brewer, trading under the style or firm of Geard & Mapp.—Official assignee, Edwards.—Sols. Messrs. Jones, Brunswick-square. Fiat, Nov. 9. Pet. Cr. Samuel Betterley, of Waltham-cross, gent.
- GOWEN John, of No. 132, High-street, Colchester, in the county of Essex, boot and shoe manufacturer.—Official assignee, Groom.—Sol. Cross, Surrey-street, Strand. Fiat, Nov. 11. Bankrupt's own petition.

GRAY John, of No. 57, West Smithfield, in the city of London, saddler.—Official assignee, Pennell.—Sol. Bassett, Bell-yard, Doctors'-commons. Fiat, Nov. 3. Pet. Cr. Albert Giles, of St. Paul's-terrace, Ball's Pond-road, corn-factor.

HADFIELD William, of Liverpool, in the county of Lancaster, merchant, d. c., trading in copartnership with Thomas M'Tear and Edmund Thompson, of Liverpool aforesaid, under the name, style, or firm of M'Tear, Hadfield & Thompson.—Official assignee, Morgan.—Sols. Cornthwaite & Adams, Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Nov. 6. Pet. Cr. Henry Winch, of Liverpool, merchant.

HASTINGS Smith, of Lime-street, in the city of London, wine and spirit merchant, d. c.—Official assignee, Pennell.—Sols. Borradaile & Co. King's Arms-yard. Fiat, Nov. 8. Bankrupt's own petition.

HELLIER Henry, of Leadenhall-market, in the city of London, meat-salesman.—Official assignee, Bell.—Sol. Shaw, Fish-street-hill. Fiat, Nov. 9. Pet. Cr. Thomas Davis, of Bermondsey New-road, butcher.

HISCOCK John, of No. 24, New Church-street, Edgeware-road, in the county of Middlesex, grocer, d. c.—Official assignee, Whitmore.—Sol. Swan, Temple. Fiat, Nov. 6. Pet. Cr. William Stephenson, of Tooley-street, grocer.

HORD Henry, of Leeds, in the county of York, plumber, glazier, gas-fitter, d. c.—Official assignee, Hope.—Sols. Jones & Co. John-street, and Hick, Leeds. Fiat, Nov. 6. Bankrupt's own petition.

JONES Wilson, of Liverpool, in the county of Lancaster, merchant and forwarding agent, d. c., formerly in partnership with one Charles Fowler, under the firm of Wilson, Jones, Fowler & Co. at Liverpool aforesaid, and elsewhere, merchants and forwarding agents.—Official assignee, Turner.—Sols. Bridger & Co. London-wall, and Dodge, Liverpool. Fiat, Nov. 4. Pet. Cr. Francis Burke, of Eden-quay, Dublin, merchant.

MINERS George, late of Winchelsea, in the county of Sussex, wine and spirit merchant, d. c., but now a prisoner in Dover Castle.—Official assignee, Edwards.—Sols. Messrs. Lovell, Gray's Inn, and Butler, Rye. Fiat, Nov. 3. Bankrupt's own petition.

MURGATROYD Charles, of No. 16, Lawrence-lane, Cheapside, in the city of London, warehouseman.—Official assignee, Follett.—Sol. West, Gresham-street. Fiat, Nov. 10. Bankrupt's own petition.

NICHOLLS John, of the city and county of Bristol, mason and contractor.—Official assignee, Acraman.—Sols. Boykett, Chancery-lane, and Ayre, jun., Bristol. Fiat, Nov. 5. Bankrupt's own petition.

PARRISH John, of No. 4, High-street, Newington, in the county of Surrey, and late of No. 10, Mercery-lane, in the city of Canterbury, draper, d. c.—Official assignee, Follett.—Sols. Scott & Co. Lincoln's Inn-fields. Fiat, Nov. 9. Bankrupt's own petition.

ROSS Daniel, of Ratcliffe Cross Wharf, in the county of Middlesex, and of No. 2, North-court, Exchange-square, Glasgow, in that part of the United Kingdom called Scotland, wine and spirit merchant, trading under the style or firm of Ross & Co.—Official assignee, Turquand.—Sol. West, Gresham-street. Fiat, Nov. 4. Pet. Cr. George Henry Turnbull, of Suffolk-lane, builder.

THOMAS Richard, of Bridgewater, in the county of Somerset, coal-merchant, d. c.—Official assignee, Hernaman.—Sols. Turner, Exeter, and Cowland, Lincoln's Inn-fields. Fiat, Nov. 8. Pet. Cr. William Green, of Church-street, Hackney, haberdasher.

THOMPSON Thomas, of Manchester, in the county of Lancaster, calico-printer.—Official assignee, Hobson.—Sols. Spinks, Great James-street, and Cobbett, Manchester. Fiat, Nov. 6. Bankrupt's own petition.

WALLINGTON Edmund, of Stockport, in the county of Chester, carpenter, joiner and builder, d. c.—Official assignee, Pott.—Sols. Tyler, Staple Inn, Chetham, Stockport, and Harding, Manchester. Fiat, Nov. 6. Bankrupt's own petition.

WILLIAMS Robert, of Chirk, in the county of Denbigh, miller.—Official assignee, Turner.—Sols. Cuff, Halfmoon-street, Barker & Co. Wem, and Duncan & Radcliffe, Liverpool. Fiat, Nov. 2. Pet. Cr. Abraham Davies, of Ashton Park, near Salop, farmer.

CERTIFICATES to be allowed December 3.

Arnett William, of Horley, innkeeper.

Boyd Isaac, of Spital-square, silk-manufacturer, (partner with Richard Harmer).

Brazier Henry Sydney, of Broad-street, Oxford-street, tailor.
 Everett Samuel Charles, and Henry Everett, of Poplar, coopers.
 Gale George, of Winchester, corn-chandler.
 Holmes Thomas, of Belgrave-street South and Brompton, builder.
 Lawrance Thomas, of Reading, draper.
 Laybourne John, of Manchester, printer.
 Lewis Charles, of Stangate-street, tin-plate manufacturer.
 Mensies William, of Gloucester, draper and grocer.
 Moody William, of Aldgate, tailor.
 Mortimer Thomas, of East-lane, Walworth, victualler.
 Quartermaster Abel, of Oxford, breeches-maker.
 Robertson Charles, of Leicester-place, master mariner.
 Rule Alfred, of Leadenhall-street, ship-broker.
 Stone William, of Matlock, builder.
 Tipple Jasper Howes, of Wymondham, bombazeen manufacturer.
 Vause Richard, of Hull, merchant, (partner with William Henry Wilson).
 Whitehead George, John Settle, John Smith, John Hyde, William Kelsall, James Holden, Thomas Barlow, Duncan Crighton, John Jones, Thomas Mallinson, William Foster, David Crighton, James Ashworth, and William Hopwood, of Pendleton, cotton-spinners, (partners with John Murgatroyd and James Brown).
 Winton David, of Gutter-lane, commission-agent.

DIVIDENDS.

Date of Fiat.

- 1847, ADAMS Robert, and Thomas Banks, of Liverpool, Lancashire, trading there as partners, under the firm of Adams & Banks, as cattle-salesmen; sep. diva.
 1847, CHANTLER Richard, of Pendleton, Lancashire, joiner and builder; first div.
 1847, HAWKINS James, of Nottingham, currier and leather-seller; div.
 1847, THOMAS Abraham, of Liverpool, Lancashire, cart-owner; div.

Gazette, Tuesday, November 18.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

GODDARD William, of Nottingham, hosier.

TOWN AND COUNTRY FIATS.

- AGAR Francis Henry, of New Windsor, in the county of Berks, grocer.—Official assignee, Graham.—Sol. May, Queen-square. Fiat, Nov. 9. Pet. Cr. Thomas Hyde, of New Windsor, cheesemonger.
 ALSOP Alfred, of Bonsall, in the county of Derby, lead-merchant, *d. c.*—Official assignee, Bittleston.—Sols. Enfield & Sons, Nottingham. Fiat, Nov. 10. Bankrupt's own petition.
 ARNELL John, of No. 9, Stanhope-street, Hampstead-road, in the county of Middlesex, corn and coal merchant.—Official assignee, Whitmore.—Sols. Wilkin & Mingaye, Furnival's Inn. Fiat, Nov. 12. Bankrupt's own petition.
 ASHFORD Charles, of Birmingham, in the county of Warwick, packing-case maker, brick-maker, *d. c.*—Official assignee, Whitmore.—Sol. Fewkes, Birmingham. Fiat, Nov. 9. Pet. Cr. Anthony Turner, of Birmingham, timber-merchant.
 BASS Isaac, the younger, of Fore-street, in the parish of St. Clement's, Ipswich, in the county of Suffolk, painter, plumber, and oil and colourman.—Official assignee, Cannan.—Sols. Kirk, Symond's Inn, and Galsworthy, Ipswich. Fiat, Nov. 11. Bankrupt's own petition.
 BLAKE Robert, the younger, of the city of Norwich, soap-manufacturer, *d. c.*—Official assignee, Edwards.—Sols. Ashurst & Son, Cheapside. Fiat, Nov. 5. Pet. Cr. Horatio Candler, of Cungleford, Norfolk, miller.
 CARPENTER John Pratt, of No. 102, Drummond-street, Euston-square, in the county of Middlesex, baker, *d. c.*—Official assignee, Whitmore.—Sol. Buchanan, Basinghall-street. Fiat, Nov. 13. Bankrupt's own petition.
 CLARKE John, of Conduit Stables, Conduit-mews, Spring street, Sussex-gardens, Paddington, in the county of Middlesex, job-master, livery-stable keeper, corn-merchant, *d. c.*—Official assignee, Green.—Sol. Depree, Lawrence-lane. Fiat, Nov. 15. Bankrupt's own petition.

COLLINS John, of Manchester, in the county of Lancaster, common brewer, *d. c.* (late carrying on business in copartnership with Peter Collins and William Hartzig, at Manchester aforesaid, as common brewers, *d. c.*), as a trader indebted together with the said Peter Collins and William Hartzig.—Official assignee, Pott.—Sols. Gregory & Co. Bedford-row, and Chew, Manchester. Fiat, Oct. 29. Pet. Cr. Benjamin Walker, of Mirfield, maltster.

CRAMOND John, of Lime-street, in the city of London, ship-broker, agent, *d. c.*—Official assignee, Pennell.—Sols. Marten & Co. Mincing-lane. Fiat, Nov. 10. Bankrupt's own petition.

CROSSLEY James, of Horncroft, in the parish of Rochdale, in the county of Lancaster, victualler and joiner and builder, *d. c.*—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Lord, Rochdale. Fiat, Nov. 9. Pet. Crs. Thomas and John Robinson, of Rochdale, joiners and builders.

DAVIES Thomas, of Aberavon, in the county of Glamorgan, draper and grocer, *d. c.*—Official assignee, Hutton.—Sols. Hudson, Bloomsbury-square, and Hopkins, Bristol. Fiat, Nov. 8. Bankrupt's own petition.

DAY Onias, of Devizes, in the county of Wilts, baker, grocer, and cheese-factor.—Official assignee, Acraman.—Sols. Wall & Co. Devizes, and Child & Co. Bedford-row. Fiat, Nov. 11. Pet. Cr. William Wadsworth, of Devizes, cheese-factor.

DEBENHAM Robert, of No. 26, Edward-street, Portman-square, in the county of Middlesex, draper.—Official assignee, Bell.—Sols. Reed & Co. Friday-street. Fiat, Nov. 15. Pet. Crs. Charles Evans, Edward Eyles, John Chicketts Hands, and Robert Wells, of Ludgate-street, warehousemen.

DOBSON Peter Tunney, of Tunstall, in the county of Stafford, draper, *d. c.*—Official assignee, Hobson.—Sols. Reed & Co. Friday-street, and Sale & Co. Manchester. Fiat, Nov. 6. Pet. Crs. Robert Holmes, Jonathan Peel, and Thomas Peel, of Manchester, calico-printers.

FAULKNER John Bannister, and Bintham Falian, now or late of No. 75, Old Broad-street, in the city of London, merchants, brokers, *d. c.*—Official assignee, Follett.—Sol. Piddell, Cheapside. Fiat, Oct. 29. Pet. Cr. John Lamont, of No. 24, Broad-street, Ratcliffe, distiller.

FEREDAY Charles Henry, of Testenhall, in the county of Stafford, coal-dealer.—Official assignee, Valpy.—Sols. Manby & Hawkeford, Wolverhampton. Fiat, Nov. 6. Bankrupt's own petition.

HANSON James, of Hanley, in the county of Stafford, hop-merchant and druggist.—Official assignee, Valpy.—Sol. Stevenson, Hanley. Fiat, Nov. 10. Pet. Cr. Alexander M'Bean, of Hanley, surgeon.

HENFREY William Goodman, of the city of Coventry, in the county of Warwick, druggist, grocer, *d. c.*—Official assignee, Whitmore.—Sol. Smith, Birmingham. Fiat, Nov. 2. Bankrupt's own petition.

HICKS Henry, of New Bond-street, in the county of Middlesex, saddler.—Official assignee, Green.—Sol. Smith, Barnard's Inn. Fiat, Nov. 13. Pet. Crs. William and Thomas Essex, of Stanhope-street, Clare-market, carriers.

HIGGINSON Jonathan, and Richard Dean, of Liverpool, in the county of Lancaster, merchants, carrying on business at Liverpool, under the firm of Barton, Iram and Higginson, and at Barbadoes, under the firm of Higginson, Deane, and Stott.—Official assignee, Turner.—Sols. Sharpe & Co. Bedford-row, and Lowndes & Co. Fiat, Nov. 13. Pet. Cr. William Shand, of Liverpool, merchant, one of the officers of the Liverpool Bank.

HOLLAND George Calvert, late of Sheffield, in the county of York, banker, but now of Workop, in the county of Nottingham.—Official assignee, Freeman.—Sols. Moss, Serjeants' Inn, Raynor, Sheffield, and Hoole & Yeomans, Sheffield. Fiat, Nov. 10. Pet. Cr. Thomas Raynor, of Sheffield, gent.

HOLT Christopher, of Bouverie-street, Fleet-street, in the city of London, hotel-keeper, *d. c.*—Official assignee, Cannan.—Sol. Sibley, Wharton-street, Pentonville. Fiat, Nov. 13. Bankrupt's own petition.

HUBBARD Charles John, of No. 16, Stockwell Park-road, in the county of Surrey, and late of the British Brewery, Stockwell-green, in the same county, brewer, *d. c.*—Official assignee, Green.—Sols. Lawrance & Co. Old Jewry Chambers. Fiat, Nov. 12. Bankrupt's own petition.

JUKES Thomas Samson, of No. 25, Great Winchester-street, in the city of London, tailor, *d. c.*—Official assignee, Belcher.—Sols. Messrs. Clark, Finsbury-place. Fiat, Nov. 13. Pet. Cr. Frederick Cox, of No. 100, Newgate-street, optician.

KERSHAW James, of Featherstall, near Rochdale, in the county of Lancaster, woollen-manufacturer.—Official assignee, Hobson.—Sols. Hopwood & Son, Chancery-lane, and Harris, Rochdale. Fiat, Nov. 11. Pet. Cr. John Nuttall, of Rochdale, woollapier.

KNEE John, of the town of Trowbridge, in the county of Wilts, grocer, *d. c.*—Official assignee, Miller.—Sols. Brittan & Sons, Bristol, and White & Co. Bedford-row, London. Fiat, Nov. 12. Pet. Cr. John Sanderson Thomas, George Thomas, and Edward Thomas, of Bristol, wholesale grocers.

LAW Frederick, of Manchester, in the county of Lancaster, corn and flour dealer, *d. c.*—Official assignee, Pott.—Sols. Johnson & Co. Temple, and Pollard, Manchester. Fiat, Nov. 10. Bankrupt's own petition.

LAW Thomas, of Manchester and Salford, both in the county of Lancaster, corn and flour dealer.—Official assignee, Fraser.—Sols. Keightley & Co. Bedford-row, and Cunliffe & Co. Manchester. Fiat, Nov. 11. Bankrupt's own petition.

LIVESEY John Bower, of Liverpool, in the county of Lancaster, stationer and merchant, *d. c.*—Official assignee, Bird.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Nov. 11. Bankrupt's own petition.

M'TEAR Thomas, William Hadfield, and Edmund Thompson, trading in copartnership together in Liverpool, in the county of Lancaster, as merchants and ship-owners, under the name, style, or firm of M'Tear, Hadfield, and Thompson, *d. c.*—Official assignee, Morgan.—Sols. Cornthwaite & Adams, Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Nov. 10. Pet. Cr. John Prest, of York, gent.

PARKER James, of No. 13, Prince's-road, Notting Hill, in the county of Middlesex, and occupying stabling at No. 1, Addison-road North, Notting Hill aforesaid, coach-proprietor, omnibus-proprietor, and carrier.—Official assignee, Groom.—Sol. Freeman, Great James-street. Fiat, Nov. 12. Bankrupt's own petition.

PARRY Jane, and Elizabeth Parry, carrying on business in copartnership at Bangor, in the county of Carnarvon, drapers, milliners and dress-makers.—Official assignee, Bird.—Sols. Towsey & Co. Coleman-street, and Banner, Liverpool. Fiat, Nov. 12. Bankrupts' own petition.

ROBINSON John, of Honley, in the parish of Almondbury, in the county of York, dyer, *d. c.*—Official assignee, Hope.—Sols. Williamson & Hill, Great James-street, and Sykes, Leeds. Fiat, Nov. 12. Bankrupt's own petition.

RUSSELL John, of Leamington Priors, in the county of Warwick, grocer, *d. c.*—Official assignee, Whitmore.—Sols. Forder, Leamington Priors, and Rushworth, Birmingham. Fiat, Nov. 8. Bankrupt's own petition.

RYLAND Thomas, and William Llewellyn Ryland, of Coleshill-street, in the borough of Birmingham, in the county of Warwick, Britannia-metal workers, and brass-nail and lacker makers, *d. c.*, copartners, carrying on trade under the style of Llewellyn & Ryland.—Official assignee, Christie.—Sols. Mottram & Knowles, Birmingham. Fiat, Nov. 10. Bankrupts' own petition.

SCHOFIELD Andrew, late of Manchester, but now of Oldham, both in the county of Lancaster, attorney-at-law, share-broker, commission-agent, *d. c.*—Official assignee, Hobson.—Sols. Jaques & Co. Ely-place, and Chew, Manchester. Fiat, Nov. 9. Bankrupt's own petition.

SMITH Henry, of East Malling, in the county of Kent, paper-manufacturer, *d. c.*—Official assignee, Johnson.—Sols. Clabon & Co. Mark-lane. Fiat, Nov. 8. Pet. Cr. Robert Tassell, of East Malling, Kent, esq.

WALTON William, of Willenhall, in the county of Stafford, timber-dealer, key-stamper, *d. c.*—Official assignee, Whitmore.—Sols. Watson, Stourport, and Hodgson, Birmingham. Fiat, Nov. 5. Pet. Cr. William Proudman, of Astley, Worcestershire, timber-merchant.

WATSON Thomas, of Torquay, in the county of Devon, inn-keeper.—Official assignee, Hernaman.—Sols. Turner, Exeter, and Coward, Lincoln's Inn-fields. Fiat, Nov. 9. Bankrupt's own petition.

WILLIS William, of Trowbridge, in the county of Wilts, wool-broker, *d. c.*—Official assignee, Johnson.—Sol. League, Crown-court. Fiat, Oct. 29. Pet. Crs. Charles and Richard Gane, of Trowbridge, builders.

WHITE Watson, of No. 50, Newington-causeway, in the county of Surrey, grocer and tea-dealer.—Official assignee, Follett.—Sols. Tucker & Co. Sun Chambers. Fiat, Nov. 15. Bankrupt's own petition.

WUITS Cesar Adam Marcus Count de, trading under the style or firm of Wright & Co., of Baldwin's-gardens, Leather-lane, Holborn, in the county of Middlesex, and Somerset Wharf, Upper Ground-street, Blackfriars, in the county of Surrey, plaster-manufacturer and cement-merchant.—Official assignee, Bell.—Sols. Becknells & Co. Connaught-terrace. Fiat, Nov. 16. Bankrupt's own petition.

YEOLAND Emily, of Liverpool, in the county of Lancaster, milliner and corset-manufacturer, *d. c.*—Official assignee, Turner.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Nov. 12. Bankrupt's own petition.

CERTIFICATES to be allowed December 7.

Bartlett Arthur, of Millbrook, fly-proprietor.
Bolton George, of Liverpool, stock-broker.
Burbidge George, of Moorgate-street, auctioneer.
Butterell Joseph Leadbeater, Doucaster, grocer.
Coleman William Whitised, of Hill, provision-merchant.
Cooper James, of Billerica, cattle-salesman.
Cosway George, of Tiverton, woollapier.
Dowers Thomas William Turner, of Took's-court, law-stationer.
Gale John, of Chaple-hill and Chepstow, wine-merchant.
Gilman Charles, of Camden-town, oilman.
Hill Charles Guatkin, of Preston and Blackpool, artist.
Neate Charles Edward, of Hammersmith, coal-merchant.
Osborn James, of Oakham, glass-dealer.
Parsons Thomas, of Maldstone, victualler.
Pye Thomas, of King's-road, Chelsea, timber-merchant.
Thies John, of Old Broad-street, baker.
Totterdell Edward Marshall, and John Gruchy, of Portsea, woollen-drappers.
Wilkinson Thomas, of the Quadrant and Bathurst-street, iron-monger.
Wills Robert, of Tottenham-court New-road, statuary.

DIVIDENDS.

Date of Fiat.

1847, **BLENKARN** William, of Stockwell Park-road, Surrey, builder; div.
1846, **BOYD** John, and James Boyd, of Wellington Chambers, Southwark, Surrey, hop, seed, and guano merchants, trading under the firm of John Boyd & Co.; div.
1844, **COLEMAN** Richard, and Edwin Robert Hall, of Colchester, Essex, iron-founders; final div.
1846, **EMANUEL** Michael, and Henry Emanuel, both late of Nos. 1 and 2, Bevis Marks, London, but both now of No. 5, Hanover-square, Middlesex, goldsmiths and silversmiths; div. of Henry Emanuel.
1846, **HALL** Joseph, of Carlisle, Cumberland, victualler and inn-keeper; final div.
1842, **HILTON** Edward, and Nathaniel Walsh, both of Over Darwen, Lancashire, paper-makers; final joint div.
1842, **HILTON** Henry, of Over Darwen, Lancashire, bleacher and finisher and coal-merchant; final div. of Henry and Edward Hilton (by order of the Court of Review).
1846, **HODGES** Edward, of the Royal Oak, Circus-street, New-road, St. Marylebone, Middlesex, wine and brandy merchant and victualler; div.
1846, **KIRBY** William, of Liverpool, Lancashire, hotel-keeper; div.
1841, **MARSHALL** William, and Henry Rodgers, both of Liverpool, Lancashire, iron-founders; final div.
1847, **MAUDE** John Milthorpe, late of the Upper Ordnance Wharf, Rotherhithe, Surrey, cement-manufacturer, but now of Peckham; div.
1846, **METFORD** Joseph, the younger, of Southampton, ironmonger; div.
1847, **MOODY** William, of High-street, Aldgate, London, tailor; div.
1845, **PALMER** Andrew, of Feltwell, Norfolk, druggist; div.

Date of Fiat.

- 1847, STOCKDALE Robert, of No. 6, Crosby-square, London, merchant; div.
- 1844, THOMPSON William, and James Mellis, of Newcastle-upon-Tyne, in England, and of Buenos Ayres and Monte Video, in South America, merchants and commission agents; final div. of Thompson.
- 1846, URLWIN William, of Watford, Hertfordshire, fellmonger; div.
- 1847, WILMOT Robert Duncan, of Liverpool, Lancashire, merchant; div.

Gazette, Friday, November 19.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ABBOTT Edmund Henry, and Henry Nottingham, of Aldermanbury, in the city of London, shawl-warehousemen, *d. c.*—Official assignee, Turquand.—Sols. Reed & Co. Friday-street. Fiat, Nov. 17. Pet. Cr. Robert Boyd and David Forcett, of Friday-street, warehousemen.
- CLARKE Thomas, of the city of Bristol, baker.—Official assignee, Miller.—Sols. Barker & Co. Bristol. Fiat, Nov. 6. Pet. Cr. M. Thoard, of Bristol, corn-factor.
- DAVIES John, of Rusholme, within the parish of Manchester, in the county of Lancaster, plumber and glazier, *d. c.*—Official assignee, Pott.—Sols. Gregory & Co. Bedford-row, and Hampson & Son, Manchester. Fiat, Nov. 17. Bankrupt's own petition.
- DURANT May Osmund Alonzo, of Burbage, in the county of Leicester, surgeon, medicine vender, *d. c.*—Official assignee, Whitmore.—Sols. Jarvis, Hinkley, and Reece, Birmingham. Fiat, Nov. 13. Bankrupt's own petition.
- EDWARDS John, of No. 104, Upper Stamford-street, Blackfriars, in the county of Surrey, corn-merchant, *d. c.*—Official assignee, Graham.—Sols. Kearsey & Co. Bucklersbury. Fiat, Nov. 13. Pet. Cr. William Dennison, of Thames Ditton, army and navy contractor.
- FALKNER John Bannister, and Bentham Fabian, now or late of No. 73, Old Broad-street, in the city of London, merchants, brokers, *d. c.* and copartners in trade.—Official assignee, Follett.—Sol. Peddell, Cheapside.
- FIATMAN Robert, of Saxmundham, in the county of Suffolk, draper and grocer, *d. c.*—Official assignee, Cannan.—Sols. Jay, Bucklersbury, and Jay, Norwich. Fiat, Nov. 4. Pet. Cr. Philip Woodgate, of Norwich, warehouseman.
- LEATHAM Henry, of Liverpool, in the county of Lancaster, slater and plasterer, joiner and builder.—Official assignee, Morgan.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Nov. 15. Pet. Cr. Charles Pemberton, of Liverpool, attorney.
- LUCAS John Shadwell, of Dyer's-court, Aldermanbury, in the city of London, hosier, *d. c.*—Official assignee, Belcher.—Sols. Goddard & Eyre, Wood-street. Fiat, Nov. 16. Pet. Cr. Luke Grimston, of Loughborough, lace-manufacturer.
- LYNEX Richard, of Birmingham, in the county of Warwick, wire-worker, *d. c.*—Official assignee, Christie.—Sols. Wright, Birmingham and Ivey, Chancery-lane. Fiat, Nov. 9. Pet. Crs. John Hughes and Isaac Evans, of Birmingham, wire-drawers.
- MARES Henry, of Alfred Cottage, Kensall Green, Willesden, in the county of Middlesex, sculptor, statuary, *d. c.*—Official assignee, Pennell.—Sol. M'Duff, Castle-street, Holborn. Fiat, Nov. 17. Bankrupt's own petition.
- MARSHALL Francis, of the borough of Sunderland, in the county of Durham chemist, druggist, dealer in oils and paints.—Official assignee, Wakley.—Sols. Messrs. Wright, Sunderland, and Maples & Co. Frederick's-place. Fiat, Nov. 9. Bankrupt's own petition.
- MOONEY Elizabeth, of Egremont, in the parish of Wallasey, in the county of Chester, upholsterer, *d. c.*—Official assignee, Turner.—Sols. Milne & Co. Temple, and Hore, Liverpool. Fiat, Nov. 10. Pet. Cr. John Benedict Spencer, of Mawley, Salop, clerk.
- NASH John, of Taunton, in the county of Somerset, coach-maker.—Official assignee, Hirtzel.—Sols. Messrs. Trenchard, Taunton, Terrel, Exeter, and Whitaker, Lincoln's Inn-fields. Fiat, Nov. 12. Pet. Cr. Robert Heruiman, of Taunton, merchant.

PARRY Richard, and Jonathan Roberts, of Liverpool, in the county of Lancaster, joiners and builders.—Official assignee, Cazenove.—Sols. Oliver, Old Jewry, and Evans & Son, Liverpool. Fiat, Nov. 12. Bankrupts' own petition.

REEVE William, and Richard Reeve, of No. 92, New Bond-street, in the city of Westminster, upholsterers and copartners in trade.—Official assignee, Edwards.—Sols. Rolfe & Edmonds, Gray's Inn. Fiat, Nov. 17. Pet. Cr. Fanny Reeve, of Clapham-road, widow.

SORLEY David Black, of Liverpool, in the county of Lancaster, broker.—Official assignee, Turner.—Sols. Humphreys & Co. Gray's Inn, and Messrs. Forshaw, Liverpool. Fiat, Nov. 16. Bankrupt's own petition.

SPELLER William, now or late of Upper Berkeley-street West, Connaught-square, in the county of Middlesex, plumber, painter, glazier, *d. c.*—Official assignee, Belcher.—Sols. Wood & Fraser, Dean-street, Soho. Fiat, Nov. 11. Pet. Crs. Thomas Durham, of Pembroke-street, Kensington, gent., and Mary Ann Moore, of Rathbone-place, executor and executrix of William Moore, deceased.

STEVENSON Charles, of No. 6, Howley-place, in the parish of Paddington, in the county of Middlesex, builder, *d. c.*—Official assignee, Turquand.—Sol. Shuttleworth, Gray's Inn. Fiat, Nov. 16. Bankrupt's own petition.

UNDERHILL John William, of Birkenhead, in the county of Chester, laceman and hosier.—Official assignee, Bird.—Sols. Oliver, Old Jewry, and Evans & Son, Liverpool. Fiat, Nov. 15. Bankrupt's own petition.

WALKER Thomas, of Stert-street, Abingdon, in the county of Berks, apothecary.—Official assignee, Johnson.—Sol. Sandam, Duke-street. Fiat, Nov. 17. Bankrupt's own petition.

WATERS James, of Great Wild-street, Lincoln's Inn-fields, in the county of Middlesex, baker, *d. c.*—Official assignee, Belcher.—Sol. May, Princes-street, Spitalfields. Fiat, Nov. 13. Pet. Cr. Henry Collins, of King-square, Goswell-street, flour-factor.

WELBORNE Joseph Widdowson, of No. 38, Albemarle-street, Piccadilly, in the county of Middlesex, silk-mercator and warehouseman, *d. c.*—Official assignee, Edwards.—Sols. Marsden & Pritchard, Newgate-street. Fiat, Nov. 15. Pet. Crs. William Duncan, of Paris, now residing at No. 3, Peak-street, Regent-street, Louis Achille Bouleau, and Edouard Pethoton, manufacturers.

WETHERELL John, of Manchester, in the county of Lancaster, publican and wine and spirit dealer.—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, and Claye & Welsh, Manchester. Fiat, Nov. 13. Pet. Cr. William Witty, of Manchester, joiner.

CERTIFICATES to be allowed December 10.

- Clayton George, of Camberwell, auctioneer.
- Crosse Walter, of Liverpool, stock-broker.
- Jones William Henry, and William Aspdin, of Northfleet, cement-manufacturers, (partners with Edmund and George Maude).
- Leather William, of London-wall, warehouseman.
- Lyons Morris, of Birmingham, druggist.
- Marshall Launcelot, of Northallerton, grocer.
- North William Henry, of Liverpool, grocer.
- Powell Edwin Charles, of Hanover-place, Neckinger-road, baker.
- Ricketts John, of Gosport, grocer.
- Russell Alexander, of Ashford, saddler.
- Simmonds Henry, of Gresham-street, law-stationer.
- Tomlins Emma, of Newland, grocer and draper.

DIVIDENDS.

Date of Fiat.

- 1847, BROWN John, of No. 56, Lincoln's Inn-fields, Middlesex, carver and gilder; final div.
- 1841, CAMPION Robert, and John Campion, of Whitby, Yorkshire, bankers; fifth div.
- 1847, DENMAN Thomas, of No. 83, Quadrant, Regent-street, and of No. 7, Buckingham-street, Fitzroy-square, Middlesex, stone mason and statuary; div.
- 1847, GROSSMITH William, of Portsmouth, Southampton, baker; div.
- 1847, HOWE Charles, of Plymouth, Devonshire, draper; div.
- 1847, LAW Richard, of Nos. 6 and 7, Portland-row, Camberwell, Surrey, pawnbroker; div.

Date of Fiat.

- 1841, MARSHALL John, of Birch-lane, London, merchant; div.
 1847, PROCTOR Charles, of Witham, Essex, wine-merchant; div.
 1847, SIMS William, of No. 51, Great Queen-street, Lincoln's Inn-fields, Middlesex, coach and harness maker; final div.
 1844, TABBERNER Thomas, of Birmingham, Warwickshire, corn-factor and hop-merchant; joint div. with bankrupt and John Loude Tabberner.
 1847, WATERS Samuel, of Castle-street, Luton, Bedfordshire, baker; div.
 1846, WILLIAMS Thomas, of Fenchurch-street, London, merchant, heretofore trading with Jasper Waring, now deceased, under the firm of Williams & Waring, and, from the time of the death of the said Jasper Waring, trading alone, under the same firm of Williams & Waring; joint div., and sep. div. of Williams.
 1843, YEATMAN Henry, of Leachlade, Gloucestershire, chemist and druggist; div.

Gazette, Tuesday, November 23.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

ARCHER John Stubbing, of Paternoster-row, tallow-chandler.

TOWN AND COUNTRY FIATS.

- ANDERSON Andrew, of No. 83, Great Titchfield-street, in the county of Middlesex, pianoforte maker.—Official assignee, Pollett. Sols. Dunn & Dobie, Raymond-buildings. Fiat, Nov. 15. Bankrupt's own petition.
 AUSTOWN John Simpkin, of Bradford, in the county of York, draper, *d. c.*—Official assignee, Young.—Sols. Reed & Co. Friday-street, Sale & Co. Manchester, and Messrs. Richardson, Leeds. Fiat, Nov. 17. Pet. Cr. David Lewis, James Carlton, and George Walker, of Manchester, merchants.
 BENARD Theodore Napoleon, of the borough and county of Newcastle-upon-Tyne, merchant, *d. c.*, trading under the style of Benard Frères.—Official assignee, Baker.—Sols. Stable, or Bates & Dees, Newcastle, and Williamson & Hill, Great James-street. Fiat, Nov. 17. Pet. Crs. William Brown, John Abbott, and John George Abbott, of Gateshead, iron-merchants.
 BEYNON John, of Swansea, in the county of Glamorgan, iron-merchant and ship-owner.—Official assignee, Miller.—Sols. Brittan & Son, Bristol, and White & Co. Bedford-row. Fiat, Nov. 20. Pet. Crs. Samuel, Thomas, and Robert Lang, of Bristol, iron-merchants.
 BLACK John, and John Morison, of Railway-place, Fenchurch-street, in the city of London, dealers in sacking and canvas.—Official assignee, Whitmore.—Sol. Haslam, Cophall-court. Fiat, Nov. 12. Pet. Cr. Bruce Morrison, of Dundee, now residing at No. 83, Fenchurch-street, cheesemonger.
 COWSILL George, of Blackford Bridge, in Pilkington, in the parish of Prestwich-cum-Oldham, in the county of Lancaster, calico-printer, *d. c.*—Official assignee, Fraser.—Sols. Clarke & Co. Lincoln's Inn-fields, and Messrs. Grundy, Bury. Fiat, Nov. 6. Pet. Cr. Charles Rothwell Lomax, of Elton, near Bury, bleacher.
 DAVIES Charles, of Liverpool, in the county of Lancaster, bookseller and stationer.—Official assignee, Morgan.—Sols. Bower & Co. Chancery-lane, Atkins, Manchester, and Payne, Liverpool. Fiat, Nov. 18. Pet. Crs. William Blacklock and George Bradshaw, of Manchester, printers.
 DAWSON Richard, of Thorney, in the Isle of Ely, in the county of Cambridge, grocer and draper.—Official assignee, Turquand.—Sols. Wing & Co. Gray's Inn, and Jackson, Wisbech. Fiat, Nov. 13. Pet. Crs. Harley Matthews Usell and James Usell, of Wisbech, grocers.
 EDMONDS Charles, bookseller, of No. 154, Strand, in the county of Middlesex.—Official assignee, Green.—Sol. Digby, Circus-place. Fiat, Nov. 19. Pet. Cr. Frederick Fitch, of Bishopsgate-street, cheesemonger.
 EDWARDS George, of Newton Abbot, in the county of Devon, coach-builder, *d. c.*—Official assignee, Hirtzel.—Sols. Turner, Exeter, and Cowland, Lincoln's Inn-fields. Fiat, Nov. 16. Bankrupt's own petition.
 FIRTH Benjamin, of Manor House, in Hartshed-cum-Clifton, in the parish of Dewsbury, in the county of York, cotton-spinner.—

Official assignee, Hope.—Sols. Sudlow & Co. New Boswell-court, Higham, Bridgehouse, and Courtenay, Leeds. Fiat, Nov. 16. Pet. Cr. Benjamin Walker, of Mirfield, coal-merchant.

GAZE Isaac, of Stroud-road, near the city but in the county of Gloucester, builder, *d. c.*—Official assignee, Hutton.—Sol. Lovegrove, Gloucester. Fiat, Nov. 16. Bankrupt's own petition.

GRUNDY Samuel, and Walter Eustace Grundy, both of Bridport, in the county of Dorset, bankers and copartners.—Official assignee, Herniman.—Sols. James & Templer, Bridport, Terrell, Exeter, and Clowes & Co. Temple. Fiat, Nov. 15. Pet. Cr. Samuel Skinner Cory, of Allington, surgeon.

HEYWOOD William Frederick, of No. 10, Lower Phillimore-place, High-street, Kensington, in the county of Middlesex, grocer and cheesemonger, *d. c.*—Official assignee, Edwards.—Sol. Buchanan, Basinghall-street. Fiat, Oct. 30. Bankrupt's own petition.

HOWARTH Thomas, of Rochdale, in the county of Lancaster, chemist and druggist.—Official assignee, Fraser.—Sols. Johnson & Co. Temple, and Lord, Rochdale. Fiat, Nov. 19. Pet. Cr. James Holt, of Rochdale, innkeeper.

JONES William Griffith, of Notting Hill, in the county of Middlesex, draper, *d. c.*—Official assignee, Belcher.—Sols. Sole & Turner, Aldermanbury. Fiat, Nov. 20. Pet. Crs. Andrew Beater and James Carter, of Aldermanbury, warehousemen.

KEMP John, of Chipperfield, in the county of Hertford, victualler.—Official assignee, Johnson.—Sols. Sudlow & Co. Bedford-row. Fiat, Nov. 12. Pet. Crs. Charles Simmons, sen. and jun., of King-street, Reading, banker.

MACDONALD John Charles, of Holbeach, in the county of Lincoln, bookseller, stationer, *d. c.*—Official assignee, Bittleston.—Sols. Johnson & Co. Holbeach. Fiat, Nov. 17. Bankrupt's own petition.

MARTIN Thomas Weston, of Magdalen-street and Broad-street, in the city of Oxford, tailor and draper.—Official assignee, Groom.—Sols. Wood & Fraser, Dean-street. Fiat, Nov. 11. Pet. Crs. John Stewart Margetson, Edward Price, and Gilbert Edward Mitchell, of Cheapside, warehousemen.

MORRIS William, of Great Grimsby, in the county of Lincoln, builder, *d. c.*—Official assignee, Stansfeld.—Sols. Williamson & Co. Great James-street, and Veal, Great Grimsby. Fiat, Nov. 13. Bankrupt's own petition.

PERCIVAL Charles, of Church-street, Greenwich, in the county of Kent, dealer in china, earthenware and glass, *d. c.*—Official assignee, Bell.—Sols. Richardson & Co. Golden-square. Fiat, Nov. 16. Pet. Cr. Frederick Chinnock, of No. 28, Regent-street, auctioneer.

SCOTT Edward John, the elder, of the town of Kingston-upon-Hull, in the county of the same town, paper-stainer, paper-dealer, *d. c.*, trading under the firm of Edward John Scott & Son.—Official assignee, Stansfeld.—Sols. Hawkins & Co. New Boswell-court, and Levett & Champney, Hull. Fiat, Nov. 15. Pet. Cr. Esther Grimes, of Slough, milliner.

SHERRATT Sarah, and George Sherratt, of the township of Hilton, in the parish of Marston-upon-Dove, in the county of Derby, blacksmiths, spade-manufacturers, and copartners, *d. c.*—Official assignee, Bittleston.—Sol. Reece, Birmingham. Fiat, Nov. 12. Bankrupt's own petition.

CERTIFICATES to be allowed December 14.

- Cook Elijah, of Little Newport-street, grocer.
 Denholm Alexander, of Queen-street, Stepney, draper.
 Hagg Ichabod, of Colchester, tailor.
 Hobson Joseph Taylor, of Liverpool, drysalter.
 Jones Charles, of Birkenhead, printer.
 Jones James, of Birkenhead, chemist.
 Kemp Thomas, of Tranmere, joiner, (partner with William Henshaw).
 Pullan Thomas Holmes, of Sheffield, hosier.
 Ward James, of Birmingham, glass-dealer.
 Woodhouse Henry, of Aldermanbury, warehouseman, (partner with Thomas Theakstone Woodhouse).

DIVIDENDS.

Date of Fiat.

- 1846, BARTON George, and John Barton, both of Manchester, Lancashire, copper-roller manufacturers, carrying on business under the firm of M. Barton & Co., the said John Barton lately carrying on business as a calico printer, with William Nelson Wilson; first sep. divs.

Date of Fiat.

- 1847, BURNET James, of Sunderland, Durham, hosier; final div.
- 1847, COLLINS James, and John Collins, of Bath, Somersetshire, jewellers and toymen; div.
- 1844, CROSFIELD Thomas, the elder, of Kirkham, Lancashire, linen-draper and spirit-merchant; fur. div.
- 1846, EDELSHEIM Rosetta, of Manchester, Lancashire, draper; first and final div.
- 1847, ELLIOTT Joseph, late of Cold Ashby, Northamptonshire, carpenter, but now of Daventry, same county, victualler; div.
- 1840, HALL Edward Devie, of Walsall, Staffordshire, currier; div.
- 1847, HARDWICK Thomas, and Winter Hardwick, of Leeds, Yorkshire, auctioneer; first and final div. of Winter Hardwick.
- 1842, HEAP William, John Roberts, and William Roberts, all of Padiham, Lancashire, cotton-spinners; fur. joint div.
- 1831, KNIGHT James, and Samuel Knight, of Mold, Flintshire, bankers; div.
- 1847, MARRIOTT Thomas, of Moor-street, Seven-dials, Middlesex, licensed victualler; div.
- 1844, OLIVER William, of Darlington, Durham, printer, bookseller, and stationer; final div.
- 1845, REAY John, and John Robert Reay, of Mark-lane, London, wine-merchants, trading under the firm of John Reay, sen. & Co.; div.
- 1846, ROBERTS Thomas, and John Tidcomb Hazard, of College-hill, London, paper-agents and stationers; div. of Hazard.
- 1846, SMITH Alexander, and Thomas Irvine, both of Liverpool, Lancashire, merchants; div. of Smith.
- 1847, SWORD Robert, of Newcastle-upon-Tyne, draper; final div.
- 1841, TAYLOR Cuthbert, and Thomas Hawkey, both of Monkwearmouth, Durham, ship-builders; final joint div.
- 1847, TOWNLEY William, of Blackburn, Lancashire, cotton-spinner; fur. div.

Gazette, Friday, November 26.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- ASH Henry, Gustavus Heerlein, and Henry Clarke Ash, of Birmingham, in the county of Warwick, ironmongers and general dealers, *d. c.* and copartners.—Official assignee, Christie.—Sols. Ivimey, Chancery-lane, and Wright, Birmingham. Fiat, Nov. 23. Bankrupts' own petition.
- BADCOCK Josias, of East Halsey, near Newbury, in the county of Berks, draper and grocer.—Official assignee, Johnson.—Sol. Helder, Great James-street. Fiat, Nov. 23. Bankrupt's own petition.
- BAINES James, of No. 176, Whitechapel-road, in the county of Middlesex, and of No. 50, Smith-street, Stepney, in the same county, baker, *d. c.*—Official assignee, Edwards.—Sols. Jenkinson & Co. Lombard-street. Fiat, Nov. 20. Bankrupt's own petition.
- BLACKBURNE John, of Liverpool, in the county of Lancaster, tailor and draper, *d. c.*—Official assignee, Casenove.—Sols. Reed & Co. Friday-street. Sale & Co. Manchester, and Jenkins, jun., Liverpool. Fiat, Nov. 16. Pet. Cr. Richard Tew Smith, John Edward Smith, and James Rait Beard, of Cheapside, warehousemen.
- BOUCHER Joseph, now of Bridgnorth, in the county of Salop, draper, *d. c.*, but late of Birmingham, in the county of Warwick, draper, *d. c.*—Official assignee, Valpy.—Sols. Weeks, Cook's-court, and Smith, Birmingham. Fiat, Nov. 23. Bankrupt's own petition.
- CAPEL John, of No. 25, Bouverie-street, Fleet-street, in the city of London, coal-merchant, *d. c.*—Official assignee, Bell.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Nov. 23. Bankrupt's own petition.
- CARTER William, of Liverpool, in the county of Lancaster, druggist, *d. c.*—Official assignee, Casenove.—Sols. Keighley & Co. Chancery-lane, and Holden, Liverpool. Fiat, Nov. 12. Bankrupt's own petition.
- COSSINS Henry Dyer, of Sea Mills, in the parish of Ilminster, in the county of Somerset, miller.—Official assignee, Hernaman.—

Sols. Brown, Ilminster, Stogdon, Exeter, and Rickards & Walker, Lincoln's Inn-fields. Fiat, Nov. 24. Pet. Cr. Thomas and Samuel Paull, of Ilminster, wharfingers.

CUSSE William, of Christchurch, in the county of Southampton, grocer, *d. c.*—Official assignee, Johnson.—Sols. Temple, Temple, and Tanner, Christchurch. Fiat, Nov. 23. Bankrupt's own petition.

FLOOD Christopher Samuel, and Harry Buckland Lott, both of Honiton, in the county of Devon, bankers and copartners.—Official assignee, Hirtzel.—Sols. Gidley, Exeter, and Raven, Temple. Fiat, Nov. 23. Bankrupt's own petition.

FLY William, Daniel Frost, and Donald Oliver Matheson, all of Swaffham, in the county of Norfolk, railway contractors, builders, *d. c.*—Official assignee, Groom.—Sols. Lawrance & Plews, Old Jewry Chambers, and Pillars, Swaffham. Fiat, Nov. 12. Pet. Cr. George Burge, of Herne Bay, gent.

GARDINER Thomas, of Holt Fleet Inn, in the parish of Holt, in the county of Worcester, hotel-keeper, *d. c.*—Official assignee, Valpy.—Sols. Jones, Worcester, and Smith, Birmingham. Fiat, Nov. 19. Pet. Cr. Josiah Stallard, of Worcester, wine-merchant.

GARLAND Francis, of North Shields, in the county of Northumberland, tailor and clothier.—Official assignee, Groom.—Sols. Dickson & Overbury, Frederick's-place. Fiat, Nov. 12. Pet. Cr. Herbert Harris Cannan, of Birch-in-lane, official assignee, Edward Henry Sieveking, of Sise-lane, and John Overbury, of Gresham-street, assignees of Evill & Douglas, bankrupts.

HANDSCOMB Samuel, and Ebenezer Handcomb, of Woburn, in the county of Bedford, copartners in trade, dealers in watches and clocks and cutlery goods, *d. c.*—Official assignee, Bell.—Sol. De Medina, Crosby Hall Chambers. Fiat, Nov. 25. Bankrupt's own petition.

HOBBS Samuel, of Camberwell-green, in the county of Surrey, cook and confectioner, in copartnership with William Bennett, of the same place.—Official assignee, Groom.—Sols. Bromley & Aldridge, Gray's Inn. Fiat, Nov. 23. Bankrupt's own petition.

HUDSON James, of the borough of Newcastle-upon Tyne, dealer in marine stores, *d. c.*—Official assignee, Baker.—Sols. Hoye, Newcastle, and Crosby & Compton, Church-court. Fiat, Nov. 15. Pet. Cr. John Robson, of Newcastle, dealer in marine stores.

IMEARY Robert, of East Jarrow, in the county of Durham, alkali manufacturer.—Official assignee, Wakley.—Sols. Harle, Newcastle, and Chisholme & Co. Lincoln's Inn-fields. Fiat, Nov. 19. Pet. Cr. Richard Hindhough, of East Jarrow, Durham, grocer.

LAWTON James, of Heywood within Heap, in the county of Lancaster, grocer, *d. c.*—Official assignee, Fraser.—Sols. Clarke & Co. Lincoln's Inn-fields, and Messrs. Grundy, Bury. Fiat, Nov. 21. Bankrupt's own petition.

RICHMOND James Abraham, formerly of the Ratcliffe-croos Brewery, Pump-yard, Ratcliffe-cross, next of No. 4, Regent's-terrace, Commercial-road East, all in the county of Middlesex, then of the Esplanade, Guernsey, then of Gower-street, Bedford-square, in the county of Middlesex, then of Mary-street, Regent's-park, in the same county, and then and now of No. 44, Frederick-place, Hampstead-road, in the same county of Middlesex, brewer, and wine and spirit merchant.—Official assignee, Bell.—Sols. Miller & Horn, King William-street.

RIGG Sibson, of Manchester, and of Salford, both in the county of Lancaster, cotton-spinner, *d. c.*—Official assignee, Port.—Sols. Bower, Tokenhouse-yard, Joynson, Manchester, and Foster, Manchester. Fiat, Nov. 22. Pet. Cr. Robert Hampton and Richard Hampton, of Manchester, cotton-dealers.

SAMUEL Lyon, of No. 13, Bury-street, St. Mary Axe, in the city of London, silversmith and jeweller, *d. c.*—Official assignee, Green.—Sols. Sydney, Finsbury-circus.—Fiat, Nov. 25. Pet. Cr. Abraham Sloman, of Curstow-street, sheriff's officer.

THOMPSON Jonathan, of Tamworth, in the counties of Warwick and Stafford, bookseller, stationer, *d. c.*—Official assignee, Valpy.—Sols. Nevill & Sons, Tamworth, and Hodgson, Birmingham. Fiat, Nov. 23. Bankrupt's own petition.

WILLIAMS Thomas, of the city of Coventry, in the county of Warwick, ribbon-manufacturer, *d. c.*—Official assignee, Whitmore.—Sols. Troughton & Lea, Coventry, and Austen & Hobson, Raymond-buildings. Fiat, Nov. 30. Pet. Cr. Richard Keene, of Coventry, silkman.

CERTIFICATES to be allowed December 17.

Dewhirst William, of Huddersfield, printer.
 Dodge James, of Cumberland-row, Walworth-road, ironmonger.
 Humphrey John, of North Walsham, grocer and leather-cutter.
 Jackson John, jun., of Liverpool and Birkenhead, wine-merchant.
 Judd William, of Kensall New Town, builder.
 Miller George, of Whitby, innkeeper.
 Morgan James, of Southampton-row, tailor.
 Morris John, of Walsall, saddlers'-ironmonger.
 Pavey James, sen., of Bristol, mason.
 Rawlinson William, of George-street, Minories, draper.
 Reid James, of Newcastle, ship-broker.
 Rollings James, of Portsmouth, stay-manufacturer.
 Slater Samuel, of Albemarle-street, tailor.
 Watson Joseph, of Dewsbury, farmer.
 Wilkinson Henry, of Watford, cabinet-maker.
 Woodhouse Thomas Theakston, of Aldermanbury, warehouseman,
 (partner with Henry Woodhouse).

DIVIDENDS.**Date of Fiat.**

- 1847, **BELLARS** Henry John, of Whittlesea, Cambridgeshire, late money-scrivener; div.
 1847, **CURTIS** John Thomas, of Norwich, grocer; div.
 1846, **FIELDER** Alfred, of Alton, Southampton, brewer and maltster and coal-merchant; final div.
 1846, **GASS** Joseph, of Colchester, Essex, draper; div.
 1847, **HEATH** George, and George Dann, of Canterbury, drapers; div.
 1847, **HOME** Thomas Withams, late of Albemarle-street, Piccadilly, and now of No. 20, Pelham-terrace, Brompton, both in Middlesex, hotel-keeper and perfumer; div.
 1847, **LEWIS** Charles, of Stangate-street, Lambeth, Surrey, tinsmith and shower-bath manufacturer; div.
 1847, **LEWIS** Morgan, of Oxford-street, Middlesex, linen-draper; div.
 1847, **NEATE** Charles Edward, of the Creek Wharf, Hammersmith, Middlesex, coal and corn merchant; div.
 1847, **NICHOL** Robert, of No. 18, Fenchurch-street, London, grocer and tea-dealer, using the name of R. Nichol & Co.; div.
 1846, **OSBORN** William Henry, the younger, of No. 22, St. James's-street, Piccadilly, Middlesex, silversmith and jeweller; final div.
 1847, **PYE** Thomas, of King's-road, Chelsea, Middlesex, timber and coal merchant; div.
 1847, **RYMER** Richard, of Manchester, Lancashire, hotel-keeper; div.
 1847, **SPALDING** James, of Cambridge, brazier and ironmonger; div.
 1847, **TAYLOR** Silas, of Tunbridge Wells, Kent, plumber, painter and glazier; div.
 1847, **THOMSON** Thomas, and William Sabin, of the Rochester Brewery, Rochester-row, Middlesex, brewers; sep. div. of Thomson.
 1847, **WHINNEY** Thomas, of the Union Arms, Pantom-street, Haymarket, licensed victualler; div.
 1847, **WOODS** Robert, of Brighton, Sussex, grocer; div.

Gazette, Tuesday, November 30.**BANKRUPTS.****BANKRUPTCY SUPERSEDED.**

JONES George William, of Barnes, Birchin-lane, and Cheltenham, shoe-manufacturer and news-vender.

TOWN AND COUNTRY FIATS.

BENSUSAN Menahem Levy, Samuel Levy Bensusan, Jacob Levy Bensusan, and John Levy Bensusan, of No. 6, Magdalen-row, Great Prescott-street, Goodman's-fields, in the county of Middlesex, merchants, d. c. and copartners, trading under the name, style, or firm of M. L. Bensusan & Co., at No. 6, Magdalen-row aforesaid.—Official assignee, Pennell.—Sols. Rixon & Sons, King William-street. Fiat, Nov. 24. Pet. Cr. Charles Northcote, of Water-lane, Toer-street, ship-broker.

BROMLEY Thomas, of Leighton Buzzard, in the county of Bedford, grocer, tea-dealer, and corn-dealer. and also of Aylesbury, in the county of Buckingham, brick-maker, d. c.—Official assignee, Groom.—Sol. Edwards, Nelson-square. Fiat, Nov. 25. Bankrupt's own petition.

COLQUHOUN George Daniel, of Liverpool, in the county of Lancaster, chemist and druggist, and also of Wallasey, in the county of Chester.—Official assignee, Bird.—Sols. Johnson & Co. Temple, and Snowball, Liverpool. Fiat, Nov. 23. Bankrupt's own petition.

COWSILL George, of Blackford Bridge, in Pilkington, in the parish of Prestwich-cum-Oldham, in the county of Lancaster, calico-printer, d. c., trading in the name of Peter Cowsill.—Official assignee, Fraser.—Sols. Clarke & Co. Lincoln's Inn-fields, and Messrs. Grundy, Bury. Fiat, Nov. 6. Pet. Cr. Charles Rothwell Lomax, of Elton, near Bury, bleacher.

CRESWELL Thomas, of the parish of Twynning, in the county of Gloucester, butcher, d. c.—Official assignee, Hutton.—Sols. Ball, Bedford-row, and Sproule & Co. Tewkesbury. Fiat, Nov. 23. Bankrupt's own petition.

DRAPER William, of Basingstoke, in the county of Southampton, coach-maker, d. c.—Official assignee, Graham.—Sols. Johnson & Co. Temple, and Lamb & Brooks, Basingstoke. Fiat, Nov. 25. Pet. Cr. Charles Pace, of Basinghall-street, auctioneer.

EVANS Owen, formerly of No. 7, Uxeter-place, Regent's-park, in the county of Middlesex, then of No. 28, Conduit-street, Bond-street, in the same county, then of No. 35, Weymouth-street, Portland-place, in the said county, then of No. 24, Pall-mall, in the said county, then of No. 57, Old Steyne, Brighton, in the county of Sussex, then of Ostend, in Belgium, then of River, near Dover, in the county of Kent, and now of Grove-lane, Camberwell, in the county of Surrey, surgeon and apothecary, d. c.—Official assignee, Cannan.—Sols. Borradaile & Co. King's Arms-yard.

EXLEY James, of Boothroyd, in Dewsbury, in the county of York, blanket-manufacturer and mill-owner.—Official assignee, Stansfeld.—Sols. Brodribb, Child's-place, Scholes, Dewsbury, and Harle & Co. Leeds. Fiat, Nov. 23. Bankrupt's own petition.

FLICK William, of No. 5, Oat-lane, in the city of London, and of No. 3, Trafalgar-terrace, Mortimer-road, De Beauvoir-square, in the county of Middlesex, hosier and commission-agent, d. c.—Official assignee, Johnson.—Sol. Godsell, Furnival's Inn. Fiat, Nov. 27. Bankrupt's own petition.

FLITCH John Jacob, of the town and county of the town of Newcastle-upon-Tyne, leather-dresser, d. c.—Official assignee, Wakley.—Sols. Chaters, Newcastle, and Bell & Co. Bow-churchyard. Fiat, Nov. 25. Bankrupt's own petition.

FRANKLIN Lewis, of No. 5, Well-street, Wellclose-square, in the city of London, rag and bottle merchant, d. c.—Official assignee, Green.—Sols. Greville & Co. Lombard-street. Fiat, Nov. 28. Pet. Cr. William Harday, of Northampton, shoe-manufacturer.

GALES Thomas, of Ford Dock-yard, in the township of Fordham, in the county of Durham, ship-builder, d. c.—Official assignee, Baker.—Sols. Maples & Co. Frederick's-place, and Wrights, Sunderland. Fiat, Nov. 23. Bankrupt's own petition.

GOWER Robert Frederick, the younger, carrying on business in copartnership with Robert Edward Alison and William Leycester Cumberlege, as merchants, at No. 4, New Broad-street, in the city of London, and at Valparaiso, in the republic of Chili, under the firm of Alison, Cumberlege & Co.—Official assignee, Belcher.—Sols. Crowder & Maynard, Coleman-street. Fiat, Nov. 27. Bankrupt's own petition.

GRIBBLE William, of No. 27, Boston-street, Dorset-square, in the county of Middlesex, d. c.—Official assignee, Pennell.—Sol. Ivimey, Chancery-lane. Fiat, Nov. 27. Bankrupt's own petition.

JONES George Jubilee, of No. 40, Jacob-street, in the city of Bristol, builder.—Official assignee, Acraman.—Sols. Jones & Co. Crosby-square, and Peters & Co. Bristol. Fiat, Nov. 23. Pet. Crs. Thomas James, Joseph Smith, and Charles Hugh Smith, of Bristol, ironmongers.

LEE Edward, of Shrewsbury, in the county of Salop, ironmonger, d. c.—Official assignee, Christie.—Sols. Messrs. Wace, Shrewsbury, and Smith, Birmingham. Fiat, Nov. 15. Pet. Cr. Thomas Wilkinson, of Plealey, Salop, farmer.

MACKENZIE Neil, of No. 77, Newgate-street, in the city of London, fringe-manufacturer, d. c.—Official assignee, Graham.—Sol. Bull, Ely-place. Fiat, Nov. 22. Bankrupt's own petition.

M'NAUGHT William, of Parson's Mead, near Croydon, in the county of Surrey, draper, tea-dealer, *d. c.*—Official assignee, Follett.—Sol. Cattlin, Ely-place. Fiat, Nov. 25. Pet. Cr. James Thompson, of Watling-street, warehouseman.

NOBLE John, of No. 4, London-road, in Liverpool, in the county of Lancaster, flour-dealer, baker, and omnibus proprietor, *d. c.*—Official assignee, Turner.—Sols. Cornthwaite & Co. Old Jewry Chambers, and Pemberton, Liverpool. Fiat, Nov. 25. Pet. Cr. Thomas Noble, of Liverpool, victualler.

PAWSON Richard Dalby, of Leeds, in the county of York, apothecary, dealer in pictures, *d. c.*—Official assignee, Young.—Sols. Williamson & Co. Great James-street, and Bond & Co. Leeds. Fiat, Nov. 25. Pet. Cr. Thomas Harvey, of Leeds, druggist.

ROBINSON John, of Birmingham, in the county of Warwick, cut-nail manufacturer, *d. c.*—Official assignee, Whitmore.—Sol. Wright, Birmingham. Fiat, Nov. 23. Bankrupt's own petition.

ROUGEMONT George, of Broad-street-buildings, in the city of London, merchant, *d. c.*, heretofore trading in copartnership with Francis Frederick Rougemont, now deceased, under the firm of Rougemont, Brothers, and, from the time of the death of the said Francis Frederick Rougemont, trading alone, under the same firm of Rougemont, Brothers.—Official assignee, Graham.—Sols. Peile & Son, Great Winchester-street. Fiat, Nov. 29. Pet. Crs. William Kearuther and John Lewis Melville, of Angel-court, merchants.

STREET Samuel, of Bedford, in the county of Bedford, draper, *d. c.*—Official assignee, Graham.—Sols. Sole & Turner, Aldermanbury. Fiat, Nov. 22. Pet. Crs. William White, sen. and jun., and Smith Greenwell, of Cheapside, warehousemen.

THACKER William, of Birmingham, in the county of Warwick, licensed victualler, *d. c.*—Official assignee, Christie.—Sols. Smith, Birmingham, and Weekes, Cook's-court. Fiat, Nov. 23. Pet. Cr. William Corbett, of Handsworth, Staffordshire, maltster.

WALKER Henry Harrison, of Manchester, in the county of Lancaster, calico-printer, *d. c.*—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, and Messrs. Whitworth, Manchester. Fiat, Nov. 5. Bankrupt's own petition.

CERTIFICATES to be allowed December 21.

Boucher William Guy, of Stepney-green, merchant.
Brown William Smith, jun., of Broad-street, Ratcliffe, sail-maker, (partner with William Smith Brown, sen.)
Dunn John Spencer, of Coventry, draper.
Evans John, of Odlington, corn-dealer.
Gardiner Richard Williams, of Hereford, cattle-dealer.
Hancock James, of Weston super Mare, builder.
Harvey Samuel, of East Mersea, cattle-dealer.
Hurdle Samuel, of Hazelbury Bryan, cheese-factor.
Maddison George, of Swaffham, grocer.
Morgan Edward, of Lisson-street, coach-builder.
Mott James, of King-street, cheesemonger, (partner with Thomas Gammage).
Reay John, of Mark-lane, wine-merchant, (partner with John Robert Reay).
Robinson Benjamin, of Huddersfield, fancy-cloth manufacturer.

DIVIDENDS.

Date of Fiat.

1846, **BARKER** William, of Nottingham, hosier and lace-dealer; div.
1847, **BARRACLOUGH** John, of Bradford, Yorkshire, timber-merchant; div.
1847, **BISHOP** James, of Little Russell-street, Gilbert-street, and Bury-street, all in Bloomsbury, Middlesex, wheelwright; div.
—, **BRETTON** Stephen, and Thomas Tunwell, of Charlotte-street, Fitzroy-square, Middlesex, upholsterers; div.
1847, **BRITAN** John, of Redlynch, in Downton, Wiltshire, market-gardener and nurseryman; div.
1847, **BROWNE** John Dallison, of Walthamstow, Essex, apothecary; div.
1844, **BURTON** William, of No. 38, King-street, Soho, Middlesex, upholsterer; div.
1846, **CHILD** John, of Wakefield, Yorkshire, grocer; div.
1847, **CLARK** Henry, of Redcross-street, London, and Plummer's-row, Whitechapel, Middlesex, oil and colour merchant and soap dealer; div.

Date of Fiat.

1843, **COX** William, of Daventry, Northamptonshire, money-scriver; div.
1847, **ELSE** Joseph, and William Dixon, of Kingston-upon-Hall, corn-millers and bakers; final joint div., and fur. div. of Else.
1847, **EVANS** Robert Davies, of Wrexham, Derbyshire, draper; div.
1815, **GOODCHILD** John, the elder, John Jackson, John Goodchild the younger, James Jackson, William Jackson, and Thomas Jones, of Bishopwearmouth, Durham, and of Dowgate, London, bankers; final div. of John Jackson.
1847, **GRAHAM** Robert, of Brunswick House, Clapham-common, Surrey, lodging-house keeper; fur. div.
1846, **HANSON** Thomas, of Leeds, Yorkshire, builder and contractor; div.
1846, **JOHNSTONE** Matthew Chrono, of Lamb's Conduit-street, Middlesex, draper; div.
1847, **MATHEW** James, of Carshalton, Surrey, linen-draper and undertaker; div.
1847, **PHILLIPS** Hugh, of No. 82, Tothill-street, Westminster, linen-draper, hosier and haberdasher; div.
1845, **PICKLES** Robert, of Barnsley, Yorkshire, linen-manufacturer; div.
1842, **RIDGWAY** Tristram, of Huddersfield, Yorkshire, wood-merchant; div.
1846, **SMITH** Alexander, and Thomas Irvine, both of Liverpool, Lancashire, merchants; div.
1846, **STUART** David, of No. 6, Stockbridge-terrace, Victoria-road, Pimlico, Middlesex, baker; div.
1834, **SUSTENANCE** Samuel William, of No. 162, Piccadilly, and of No. 12, Robert-street, Chelsea, both in Middlesex, book-seller and stationer; final div.
1847, **TUNSTALL** Alfred, and John Walker Cash, of Bristol, oil-merchants; div. of Tunstall.
1847, **TWIGG** Charles, of Birmingham, Warwickshire, button-maker; final div.
1846, **UNWIN** Stephen, the elder, Fisher Unwin, and Stephen Unwin the younger, carrying on the trade or business of woodstaplers at Coggeshall, Essex, under the firm of S. F. & S. Unwin; diva.
1842, **WOOD** Joshua, James Wood, Joseph Wood, Richard Wood, John Wood, and Charles Wood, all of Denby Dale, Cumbworth, in Silkstone, Yorkshire, fancy-cloth manufacturers, trading under the firm of John Wood & Son; fur. and final sep. divs. of Joshua, Richard, James, John, and Joseph Wood.
1847, **WOODS** Robert, of Brighton, Sussex, grocer; div.

Gazette, Friday, December 3.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

ANDERSON John, of Liverpool, in the county of Lancaster, merchant, *d. c.*, late carrying on business under the style or firm of John Anderson & Company, and also steam saw mill proprietor, late carrying on business in copartnership with John M'Nicoll, in the Brunswick Steam Saw Mills, under the firm of Andersen & Company.—Official assignee, Bird.—Sols. Keightley & Co. Chancery-lane, and Holden, Liverpool. Fiat, Nov. 6. Bankrupt's own petition.
BASIRE James, of No. 4, Red Lion-square, in the county of Middlesex, and of North Hyde, near Southall, in the same county, brick-maker, engraver, *d. c.*—Official assignee, Graham.—Sols. Lawrence & Plews, Old Jewry Chambers. Fiat, Dec. 2. Bankrupt's own petition.
BURGESS John, of No. 38, Harleyford-place, Kennington, in the county of Surrey, tailor.—Official assignee, Edwards.—Sols. Dawes & Sons, Angel-court. Fiat, Nov. 26. Pet. Cr. John Costeker, of Cornhill, woollen-draper.
CARRUTHERS William, late of Deaborough-terrace, Harrow-road, in the county of Middlesex, builder, and formerly of New Church-street, Edgeware-road, in the county of Middlesex, victualler, *d. c.*—Official assignee, Fennell.—Sol. Lile, Bloomsbury-square. Fiat, Nov. 29. Pet. Cr. Samuel Stocker, sen., of No. 4, Compton-street, Canonbury-square, engineer.

- FITZPATRICK** William, and William Tew, of Walsall, in the county of Stafford, railway contractors and brick-makers, *d. c.* and copartners.—Official assignee, Valpy.—Sols. Wright, Birmingham, and Ivimey, Chancery-lane. Fiat, Nov. 18. Pet. Cr. John Thomas Flynn, of Birmingham, collector.
- GOODCHEAPE** John, of No. 115, Aldersgate-street, in the city of London, and of No. 5, Princes-street, Marylebone, in the county of Middlesex, furnishing undertaker, *d. c.*—Official assignee, Belcher.—Sol. Sill, Warwick-court. Fiat, Nov. 26. Pet. Cr. William Rebbeck, of Great Saffron-hill, victualler.
- GREENWOOD** David, and John Bateman, both of Bury, in the county of Lancaster, joiners and builders, brick-makers, copartners, *d. c.*—Official assignee, Hobson.—Sols. Clarke & Co. Lincoln's Inn-fields, and Whitehead, Bury. Fiat, Nov. 27. Bankrupt's own petition.
- HEALEY** Edward, of No. 32, Paternoster-row, in the city of London, and of Camden Lodge, Gloucester-road, Regent's-park, in county of Middlesex, printer and publisher, *d. c.*—Official assignee, Edwards.—Sol. Vaughan, Furnival's Inn. Fiat, Nov. 30. Bankrupt's own petition.
- HEMSLEY** John, of Leeds, in the county of York, grocer, flour and provision dealer, and general dealer, *d. c.*—Official assignee, Young.—Sols. Sudlow & Co. Bedford-row, and Rayner & Co. Leeds. Fiat, Nov. 11. Bankrupt's own petition.
- HOLT** James, of Stifford, in the county of Essex, licensed victualler.—Official assignee, Groom.—Sol. Hardman, Shoe-lane. Fiat, Dec. 2. Bankrupt's own petition.
- HOWARD** John Henry, of Cheltenham, in the county of Gloucester, oil-merchant, *d. c.*—Official assignee, Hutton.—Sol. Lindo, King's Arms-yard. Fiat, Nov. 30. Bankrupt's own petition.
- ISRAEL** Aaron, and William Turner, of Great Tower-street, in the city of London, merchants, *d. c.* and copartners.—Official assignee, Pennell.—Sols. Weir & Smith, Coopers' Hall. Fiat, Dec. 2. Bankrupt's own petition.
- JONES** John, and Alice Brown, of No. 165, Shoreditch, in the county of Middlesex, carrying on business at No. 165, Shoreditch aforesaid, being the public-house known by the sign of the Old Holywell, as licensed victuallers.—Official assignee, Green.—Sols. Watson & Co. Falcon-square. Fiat, Nov. 29. Pet. Cr. Charles Stennett, of Balham Hill, gent.
- JOSLIN** Robert Mumford, of Stambourne, in the county of Essex, sheep and cattle dealer, *d. c.*—Official assignee, Graham.—Sols. Meymott, Blackfriars-road, and Jackson, Haverhill, Essex. Fiat, Nov. 16. Pet. Cr. George Smith, of Great Badley, corn-merchant.
- KIRBY** Peter James, of No. 103, Newgate-street, in the city of London, pin and needle manufacturer, *d. c.*—Official assignee, Edwards.—Sols. Mardon & Pritchard, Christ Church Chambers. Fiat, Dec. 2. Bankrupt's own petition.
- KNIGHT** Samuel, of Primethorpe, in the parish of Broughton Astley, in the county of Leicester, hosier and grocer, *d. c.*—Official assignee, Christie.—Sols. Toller, Leicester, and James, Birmingham. Fiat, Nov. 19. Pet. Cr. Thomas Chapman, of Leicester, worsted-spinner.
- LAWTON** William, of Liverpool, in the county of Lancaster, hotel-keeper.—Official assignee, Turner.—Sols. Sharpe & Co. Bedford-row, and Lowndes & Co. Liverpool. Fiat, Dec. 1. Pet. Cr. James Lister, of Liverpool, gent., one of the public officers of the Liverpool Union Bank.
- MANBY** John Swale, of Burnley, in the county of Lancaster, iron-monger, *d. c.*—Official assignee, Hobson.—Sols. Norris & Co. Bedford-row, and Bell, Liverpool. Fiat, Nov. 23. Pet. Crs. Samuel and James Stitt, of Liverpool, iron-merchants.
- MARSHALL** Matthew, of No. 24, St. John's Wood-terrace, Portland-town, in the county of Middlesex, carpenter and builder.—Official assignee, Follett.—Sol. Phillips, Great Titchfield street. Fiat, Nov. 25. Pet. Cr. Sarah Roberts, of Nottingham-street, Marylebone, spinster.
- MURRAY** Jonathan, of No. 101, Edgeware-road, in the county of Middlesex, stationer and bookseller.—Official assignee, Green.—Sols. Shield & Harwood, Queen-street. Fiat, Nov. 30. Bankrupt's own petition.
- OBERRY** William Littler, of Birkenhead, in the county of Chester, builder, *d. c.*—Official assignee, Bird.—Sols. Frampton, Gray's Inn, and Hilliar, Birkenhead. Fiat, Nov. 30. Bankrupt's own petition.
- SAWER** Richard, of Brough, in the county of Westmoreland, shoe-maker, grocer, carrier and publican.—Official assignee, Wakley.—Sols. Coulthard & Cross, Kirkby Stephen, Hoyle, Newcastle, and Nixon, Clifford's Inn. Fiat, Nov. 20. Pet. Crs. Thomas Parker, of Kirkby Stephen, Westmoreland, provision-dealer, and William Rudd, of Brough, merchant and carrier.
- SAUL** William, of No. 8, Brook-street, Gloucester-road, Baywater, in the county of Middlesex, furnishing-ironmonger, brasier, bell-hanger, *d. c.*—Official assignee, Follett.—Sol. Lane, Falcon-square. Fiat, Nov. 23. Bankrupt's own petition.
- SHINGLEY** Charles, of Maldon, in the county of Essex, commission-agent, *d. c.*—Official assignee, Pennell.—Sols. Bromley & Aldridge, Gray's Inn. Fiat, Nov. 30. Bankrupt's own petition.
- SPELLER** William, of No. 34, Berkeley-street West, and George Trigg, of No. 19, Inverness-road, both in the parish of Paddington, in the county of Middlesex, copartners in trade, builders, *d. c.*—Official assignee, Belcher.—Sols. Hall, Lincoln's Inn-fields. Fiat, Nov. 26. Pet. Cr. William George, of Sale-street, Paddington, bricklayer.
- STOTT** Samuel, John Stott, and William Stott, all of Rockliffe Vale Mill, near Bacup, in the county of Lancaster, cotton-spinners and manufacturers, trading in copartnership under the firm of Samuel Stott & Sons.—Official assignee, Pott.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, Nov. 26. Pet. Cr. John Alfred Armstrong, of Manchester, cotton-merchant.
- TAYLOR** George, of Bradford, in the county of York, grocer, *d. c.*—Official assignee, Stansfeld.—Sols. Hawkins & Co. New Boswell-court, Wells & Co. Bradford, and Bond & Barwick, Leeds. Fiat, Nov. 27. Bankrupt's own petition.
- THOMAS** Charles, of the town and county of the town of Southampton, painter, plumber, *d. c.*—Official assignee, Groom.—Sols. Stevens & Satchell, Queen-street. Fiat, Nov. 24. Pet. Cr. Charles Thomas Rimer, of Southampton, merchant.
- TRIEBNER** Timothy Frederick, of No. 31, Old Broad-street, in the city of London, Russia broker, *d. c.*—Official assignee, Belcher.—Sols. Bush & Mullens, St. Mildred's-court. Fiat, Nov. 30. Bankrupt's own petition.
- VEVERS** John, of Cheapside, in the city of London, woollen ware-houseman, *d. c.*—Official assignee, Johnson.—Sols. Messrs. Linklater, Leadenhall-street. Fiat, Nov. 30. Pet. Cr. John Barnett Bull, of St. Martin's-lane, woollen-draper.
- WOOD** Thomas, of No. 2, Corbet-court, Gracechurch-street, in the city of London, attorney-at-law, *d. c.*—Official assignee, Bell.—Sols. Wire & Child, St. Swirbin's-lane. Fiat, Nov. 30. Pet. Cr. John Robert Lavanchey, of Burlington-street, silk-mercier.

CERTIFICATES to be allowed December 24.

Hall John, of Bristol, mason.
 Huddleston Abraham, of Bramham, corn-miller.
 Johnson Christopher Dickinson, of Liverpool, victualler.
 Jones John, of Ledbury, brewer.
 Pettet Edward, and William Newton, of Lancaster-place, Strand, navy-agents.
 Player Joseph Cooper, of Dursley, draper.
 Robinson Isaac, of Little Dean, grocer and draper.
 Rogers Edward, of Great Urley, surgeon.
 Tilly Thomas, of Dursley, veterinary surgeon.
 Williams William, of Kedwelly, timber-merchant.

DIVIDENDS.

Date of Fiat.

- 1847, BROOM Henry Charles, of Laurence Pountney-hill, London, grocer; div.
 1846, DORLING Edward, of Ipswich, Suffolk, Berlin wool dealer; div.
 1847, LAWRENCE Thomas, of Reading, Berkshire, draper, *d. c.*; div.

Gazette, Tuesday, December 7.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

CHALENER Sarah, of Charles-street, Westbourne-terrace, milliner.

PEARSON David, of Lipton, engine-manufacturer.

SWAINSON Charles Lowe, and John Birchwood, of Manchester, manufacturers.

TOWN AND COUNTRY FIATS.

ADAMSON Francis, of Bond-court, Walbrook, in the city of London, merchant, *d. c.*—Official assignee, Follett.—Sols. Messrs. Linklaters, Leadenhall-street. Fiat, Nov. 30. Pet. Cr. James Tweedie, of Oxtou, near Birkenhead, mariner.

BARRETT John, of No. 14, Blackfriars-road, in the county of Surrey, and also of No. 198, Strand, in the county of Middlesex, machine printer, late of the Three Horse Shoes public-house, Milford-lane, Strand, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Follett.—Sol. Depree, Lawrence-lane. Fiat, Dec. 4. Bankrupt's own petition.

BATHO Nathaniel, of the city of Manchester, machine-maker, iron and brass founder, *d. c.*—Official assignee, Hobson.—Sols. Reed & Co. Friday-street, and Sale & Co. Manchester. Fiat, Nov. 30. Bankrupt's own petition.

BUCKLAND Thomas Edward, of the sign of the Trinity Arms, Orchard-place, in the parish of Poplar, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Turquand.—Sol. Flavell, Bedford-row. Fiat, Dec. 2. Bankrupt's own petition.

FIGGURES Thomas Barnes, of Blockley, in the county of Worcester, corn-dealer.—Official assignee, Valpy.—Sols. Wilkins & Kendall, Bourton on the Water, and Gillan & Thomas, Birmingham. Fiat, Dec. 2. Pet. Cr. George Richardson, of Naunton, Gloucestershire, farmer.

FORSTER John, of Shatto, in the parish of Hartburn, in the county of Northumberland, banker, *d. c.*—Official assignee, Baker.—Sols. Lawrence & Co. Old Fish-street, and Griffith & Crighton, Newcastle. Fiat, Nov. 25. Pet. Cr. Henry Jean Baptiste Carmon, of Newcastle-upon-Tyne, hotel-keeper.

FOYER Walter, of the town and county of Newcastle-upon-Tyne, hatter, *d. c.*—Official assignee, Wakley.—Sols. Crosby & Compton, Church-court, and Hoyle, Newcastle. Fiat, Nov. 22. Pet. Cr. Samuel Bunem Oppenheim, North Shields, cap-manufacturer.

GAMBLE Douglas Pitt, late of No. 78, Cornhill, in the city of London, provision-merchant, carrying on business in copartnership with John Richard Gamble, and now of No. 2, Exchange-buildings, in the same city, electric telegraph manufacturers and contractors, *d. c.*—Official assignee, Groom.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Dec. 2. Bankrupt's own petition.

GAMBLE John Richard, late of No. 78, Cornhill, in the city of London, provision-merchant, carrying on business in copartnership with Douglas Pitt Gamble, and now of No. 2, Exchange-buildings, in the same city, electric telegraph manufacturer and contractor, *d. c.*—Official assignee, Follett.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Dec. 2. Bankrupt's own petition.

KIALMARK George, of No. 7, Hampstead-street, in the parish of St. Pancras, in the county of Middlesex, music-seller.—Official assignee, Bell.—Sols. Sandys & Pearson, Gray's Inn-square. Fiat, Dec. 3. Pet. Cr. John Wills, of No. 321, Oxford-street, outfitter.

LAZARUS Samuel Lewes, known as Samuel Lazarus Lawrence, late of the Age commission stables, No. 315, Oxford-street, in the county of Middlesex, horse-dealer, *d. c.*—Official assignee, Whitmore.—Sols. Loft & Co. King-street, Chespaide. Fiat, Nov. 26. Pet. Cr. Matthew Clement Allen, of Upper St. Martin's-lane, commission salesman.

MOORE Stephen, of Liscard, in the county of Chester, carrying on business in Liverpool, in the county of Lancaster, as a wine-merchant, *d. c.*—Official assignee, Cazenove.—Sols. Bower, Tokenhouse-yard, and Mason, Liverpool. Fiat, Nov. 30. Bankrupt's own petition.

MOUNTFORD William, of Darlington, in the county of Durham, tailor and draper.—Official assignee, Baker.—Sols. Mewburn, Darlington, and Harle, Newcastle. Fiat, Nov. 30. Bankrupt's own petition.

NEWBOULT Robert, of East Retford, in the county of Nottingham, draper, *d. c.*—Official assignee, Freeman.—Sols. Hawkins & Co. New Boswell-court, Mee & Bigsby, Retford, and Branstou, Sheffield. Fiat, Nov. 11. Pet. Crs. Thomas Walker and Sir William Bryan Cooke, bart., of Doncaster, bankers.

OLDAKER Thomas, of No. 90, High-street, in the borough of Southwark, in the county of Surrey, hop-merchant, *d. c.*—Official assignee, Edwards.—Sol. Hand, Chancery-lane. Fiat, Dec. 3. Pet. Cr. Francis Woodhouse, of Leominster, hop-merchant.

OWEN William, of Barmouth, in the county of Merioneth, druggist, grocer and draper.—Official assignee, Cazenove.—Sols. Sweeting & Co. Southampton-buildings, Jones, Dolgelly, and Evans & Son, Liverpool. Fiat, Nov. 25. Bankrupt's own petition.

POWER John, of the city of Bristol, draper, hosier, *d. c.*—Official assignee, Acraman.—Sols. Treherne & White, Bucklersbury, and Sabine, Bristol. Fiat, Nov. 30. Bankrupt's own petition.

SKINGLEY Charles, of Maldon, in the county of Essex, commission agent, *d. c.*—Official assignee, Pennell.—Sols. Bromley & Aldridge, Gray's Inn, for Spelling & Harris, Halstead. Fiat, Nov. 30. Bankrupt's own petition.

TATTERSALL George, of No. 52, Davies-street, Berkeley-square, in the county of Middlesex, saddler.—Official assignee, Green.—Sol. Hook, Coleman-street. Fiat, Dec. 4. Bankrupt's own petition.

TUNNEY Gerald Plunket, of Barslem and Tunstall, both in the county of Stafford, draper, *d. c.*—Official assignee, Fraser.—Sols. Sale & Co. Manchester, and Reed & Co. Friday-street. Fiat, Nov. 29. Pet. Crs. John Potter, Thomas Bayley Potter, and Samuel Holker Norris, of Manchester, merchants.

WADE Charles, of Willsbridge, in the parish of Bitton, in the county of Gloucester, miller and corn-dealer.—Official assignee, Miller.—Sols. Jones & Co. Crosby-square, and Peters & Abbot, Bristol. Fiat, Nov. 27. Bankrupt's own petition.

YEATES James Sebastian, of No. 6, Bank Chambers, Lechbury, in the city of London, stock and share broker, *d. c.*—Official assignee, Belcher.—Sols. Shearman & Co. Great Tower-street. Fiat, Dec. 4. Bankrupt's own petition.

CERTIFICATES to be allowed December 28.

Butcher William, of Lichfield, coach-builder.
Dorey Joseph, and John Hiskens, of Woolwich, brewers.
Evans George, of Tottenham-court-road, and Winchester, draper.
Fenton John, of Ockbrook, hosier.
Holford George, of Wolverhampton, jeweller.
Holmes William East, of Lichfield, coach-builder, (partner with William Butcher).
Howell Henry, of Shrewsbury, draper.
Levett William, of Leicester, tailor.
Reilly John, of Wolverhampton, grocer.
Snowden Edmund, of Alton, painter.
Taylor Isaac Cleaver, of Change-alley, tailor.
Trigwell John Joseph, of the Harrow-road, beer-shop keeper and builder.

DIVIDENDS.

Date of Fiat.
1846, HOBSON Matthew, of Great Grimaby, Lincolnshire, corn and coal merchant; second and final div.
1831, NICHOLAS Theophilus, of Burstwich, Yorkshire, horse-dealer; div.
1847, ROBINSON Alfred Gerard, residing at Rothley, Leicestershire, and carrying on business at Leicester as a woolstapler; div.
1837, WILSON Richard, of Liverpool, Lancashire, tallow-chandler; div.

Gazette, Friday, December 10.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

BEESTON Francis, of Stockport, in the county of Chester, carpenter and builder.—Official assignee, Hobson.—Sols. Bower & Son, Chancery-lane, and Stringer, Stockport. Fiat, Dec. 2. Bankrupt's own petition.

BIRCH John, of Liverpool, in the county of Lancaster, grocer, *d. c.*—Official assignee, Bird.—Sols. Norris & Co. Bedford-row, and Taitmin, Liverpool. Fiat, Dec. 4. Bankrupt's own petition.

BRADFORD George, of Bridport, in the county of Dorset, baker and confectioner.—Official assignee, Bird.—Sols. Nicholetts, Bridport, Stogdon, Exeter, and Brace, Surrey-street. Fiat, Nov. 25. Bankrupt's own petition.

BROWN Robert, late of the Doctor Johnson's Tavern, Bolt-court, Fleet-street, in the city of London, but now of No. 11, Sutherland-terrace, Coal Harbour-road, Brixton, in the county of Surrey, victualler, d. c.—Official assignee, Follett.—Sol. Jenkinson, Lombard-street. Fiat, Dec. 7. Bankrupt's own petition.

BURNELL Thomas, and William Shelford Fitzwilliam, of No. 6, King William-street, in the city of London, merchants, commission-agents, d. c., and copartners in trade, trading under the firm of Thomas Burnell & Company.—Official assignee, Johnson.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Dec. 7. Bankrupts' own petition.

CARR Samuel, of the Bunch of Grapes, Newcastle-court, Strand, in the county of Middlesex, and also of the Rose and Crown, Little Pulteney-street, Soho, in the county of Middlesex, licensed victualler.—Official assignee, Edwards.—Sol. Atkinson, Carey-street. Fiat, Dec. 11. Bankrupt's own petition.

CATTLEY Thomas Thompson, of Cousin-lane, Upper Thames-street, in the city of London, and of No. 4, Vimiera, Wandsworth-road, in the county of Surrey, colour-merchant.—Official assignee, Green.—Sols. Messrs. Robinson, Queen-street-place. Fiat, Dec. 7. Pet. Cr. John Skitt, of Union-street, Borough, colour-manufacturer.

CLARKE George, of Dunstable, in the county of Bedford, common brewer, d. c.—Official assignee, Belcher.—Sol. Lewis, Clement's-lane. Fiat, Dec. 4. Bankrupt's own petition.

CLAUSSEN Peter, late of No. 7, and now of No. 9, Newman-street, Oxford-street, in the county of Middlesex, manufacturer, d. c.—Official assignee, Turquand.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Dec. 7. Bankrupt's own petition.

CROWHURST Thomas William, of Nelson-place, Clifton, in the city and county of Bristol, grocer, d. c.—Official assignee, Miller.—Sol. Bridges, Bristol. Fiat, Dec. 2. Bankrupt's own petition.

DAVIES Bradnock, of Birmingham, in the county of Warwick, druggist and grocer, d. c.—Official assignee, Christie.—Sols. Spencer & Rollings, Birmingham. Fiat, Dec. 4. Bankrupt's own petition.

FOX George, of Charlestown, near Glossop, in the county of Derby, paper-manufacturer, d. c.—Official assignee, Fraser.—Sols. Hall & Co. Gray's Inn, and Leeming, Manchester. Fiat, Dec. 7. Bankrupt's own petition.

GARTHWAITE Henry, of Hopton, in the parish of Miffield, in the county of York, manufacturer of fancy goods, lately carrying on business in copartnership with James Warburton, at Hopton aforesaid, as manufacturers of fancy goods, under the style or firm of Henry Garthwaite & Company, d. c.—Official assignee, Young.—Sols. Clarke, Chancery-lane, Hird, Huddersfield, and Sanderson, Leeds. Fiat, Dec. 1. Pet. Cr. Robert Hird, of Huddersfield, cotton warp dealer.

GORDON James William, of No. 10, Cullum-street, Fenchurch-street, in the city of London, and of Church-row, Limehouse, in the county of Middlesex, wine-merchant, d. c.—Official assignee, Graham.—Sol. Brown, Finsbury-place. Fiat, Dec. 7. Pet. Cr. Samuel Lenox, of Mark-lane, wine-merchant.

GRAVESEND and Milton Cemetery Company.—Official assignee, Johnson.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Nov. 30. Pet. Cr. John Robert Hall, of Parliament-street, gent.

JOHANNING Julius, of No. 9, Newman-street, Oxford-street, in the county of Middlesex, commission-agent, d. c.—Official assignee, Bell.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Dec. 7. Bankrupt's own petition.

RAMSDEN James, of Halifax, in the county of York, woollen-draper and stock manufacturer, d. c.—Official assignee, Hope.—Sols. Jaques & Edwards, Ely-place, Macaulay, Halifax, and Courtenay, Leeds. Fiat, Dec. 7. Pet. Cr. William Whitehead, of Saddleworth, cloth-merchant.

RANKINE William, of No. 40, Gresham-street, in the city of London, boot-maker.—Official assignee, Groom.—Sol. Goddard, King-street. Fiat, Dec. 7. Bankrupt's own petition.

REDPETH Thomas, of Leeds, in the county of York, auctioneer, d. c.—Official assignee, Freeman.—Sols. Jones & Co. John-street, and Hick, Leeds. Fiat, Dec. 10. Bankrupt's own petition.

ROBINSON James, of Huddersfield, in the county of York, merchant, d. c., heretofore carrying on business at Huddersfield aforesaid, and in Addle-street, in the city of London, under the firm of James Robinson & Co.—Official assignee, Hope.—Sols. Wiglesworth & Co. Gray's Inn, and Cronhelm, Leeds. Fiat, Dec. 4. Bankrupt's own petition.

ROSSITER Edward, the younger, of Torquay, in the county of Devon, builder and innkeeper.—Official assignee, Hirtzel.—Sols. Kingdon, Exeter, and Raven, Temple. Fiat, Nov. 27. Pet. Crs. John Balle Prinsent, of Newton Abbott, brewer, and Samuel Kingdon, of Exeter, ironmonger.

SMITH Francis, of Manchester, in the county of Lancaster, innkeeper, d. c.—Official assignee, Hobson.—Sols. Messrs. Sharp, Gray's Inn, and Rowley & Taylor, Manchester. Fiat, Dec. 4. Bankrupt's own petition.

STEDMAN George, of Forebridge, in the parish of Castle Church, in the county of Stafford, currier.—Official assignee, Christie.—Sol. Bowen, Stafford. Fiat, Dec. 2. Bankrupt's own petition.

TANNER John, of No. 73, Minories, in the city of London, carpenter, cabinet-maker, d. c.—Official assignee, Graham.—Sol. Buchanan, Basinghall-street. Fiat, Dec. 4. Bankrupt's own petition.

TERRETT James, now or late of the Rose and Crown, Salisbury-lane, Bermondsey, in the county of Surrey, victualler.—Official assignee, Edwards.—Sols. Yonge & Hancock, Tokenhouse-yard. Fiat, Nov. 30. Pet. Crs. William Gray Jackson, William Esther Jackson, and Joseph Stead, of Dockhead, distillers.

TILEY William, of Reading, in the county of Berks, common brewer.—Official assignee, Belcher.—Sols. Hill & Heald, Throgmorton-street, and Weedon & Co. Reading. Fiat, Dec. 9. Bankrupt's own petition.

TURNER Thomas, of Northampton, in the county of Northampton, boot and shoe manufacturer, d. c.—Official assignee, Groom.—Sols. Wright & Bonner, London-street. Fiat, Nov. 25. Pet. Cr. William Farmery Law, of Stamford, gent.

WADMAN William, of No. 8, York-road, Montpellier, in the city and county of Bristol, brass-founder, gas-fitter, d. c.—Official assignee, Hutton.—Sols. Surr & Gribble, Lombard-street, and Castle & Henderson, Bristol. Fiat, Dec. 4. Bankrupt's own petition.

WINDLE George, of No. 47, Judd-street, Brunswick-square, in the county of Middlesex, haberdasher, hosier, d. c.—Official assignee, Groom.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Dec. 7. Bankrupt's own petition.

CERTIFICATES to be allowed December 31.

Gasburne Robert, of Newcastle, bookseller.
Hayday Richard, of Milk-street, silk-warehouseman.
Laxton John, of Cheshunt, draper.
Sperring James, of Chippenham, innkeeper and carpenter.

DIVIDENDS.

Date of Fiat.

1847, JUDD John, of Brynmawr, Brecon, shopkeeper; fur. div.

1846, LESTER John, of Pen'y'r Gelle Lodge, near Wrexham, Denbighshire, farmer and dealer in oats; div.

1846, NICHOLLS George Codrington, some time since residing at Woodside, Birkenhead, Cheshire, but now residing at Upton, Cheshire, and carrying on business as a commission-merchant, forwarding-agent, and general-merchant, and at No. 21, Brunswick-buildings, Liverpool, Lancashire, under the style or firm of George Codrington, Nicholls & Co.; div.

1842, PERRY Thomas, of Kirkdale, near Liverpool, Lancashire, builder and brick-maker; div.

1827, RICHARDSON Francis, of Ormskirck, Lancashire, tailor and draper; div.

Date of Fiat.

1847, **SOUTHAM** James Heginbottom, and George Southam, of Ashton-under-Lyne, Lancashire, cotton-spinners and manufacturers; first joint div., and sep. div. of J. H. Southam.

1847, **STOCKS** Samuel, and Mortimer Lavater Tait, of Manchester, and of Heaton Mersey, Lancashire, bleachers and finishers, merchants, and copartners in trade; div.

Gazette, Tuesday, December 14.

BANKRUPTS.**BANKRUPTCY SUPERSEDED.**

WALTON William, of Willenhall, timber-dealer.

TOWN AND COUNTRY FIATS.

BARNSDALL Nathaniel, of the town and county of the town of Nottingham, timber-merchant, coal-merchant, *d. c.*—Official assignee, Bittleston.—Sols. Wadsworth, Nottingham, and Capes & Stuart, Gray's Inn. Fiat, Dec. 7. Bankrupt's own petition.

BARRETT John, of Horsforth, in the parish of Guiseley, in the county of York, tanner, *d. c.*—Official assignee, Stansfeld.—Sols. Singleton, Great James-street, and Barrett, Leeds. Fiat, Dec. 9. Bankrupt's own petition.

BURTON Thomas, of the Commercial-road, Lambeth, in the county of Surrey, builder.—Official assignee, Pennell.—Sol. Lloyd, Milk-street. Fiat, Dec. 8. Pet. Cr. John Faulkner, of St. Martin's-le-Grand, ironmonger.

CALLOW Edward, and Mark Teversham, the younger, of No. 76, Cornhill, and No. 4, Finch-lane, both in the city of London, stock and share brokers, *d. c.* and copartners.—Official assignee, Turquand.—Sols. Lewis & Lewis, Ely-place. Fiat, Nov. 30. Pet. Cr. Mark Teversham, sen., of Ludgate-hill, cheesemonger.

CHAPLIN Richard, of Weatherfield, in the county of Essex, straw-plait dealer, *d. c.*—Official assignee, Graham.—Sols. Brown, Finsbury-place, and Sewell, Halstead. Fiat, Dec. 9. Bankrupt's own petition.

CLARKE George, of Isham Mills and Burton Mills, Burton Latimer, in the county of Northampton, carpet-manufacturer and worsted-spinner.—Official assignee, Edwards.—Sols. Watson & Broughton, Falcon-square. Fiat, Dec. 4. Bankrupt's own petition.

CLARKE Joseph Alexander, of Longton, in the parish of Stoke upon-Trent, in the county of Stafford, china-manufacturer, *d. c.*—Official assignee, Valpy.—Sol. Mason, Stoke-upon-Trent. Fiat, Dec. 7. Bankrupt's own petition.

DAVIES William Jabez, of the city of Manchester, in the county of Lancaster, and of Patricroft, in the parish of Eccles, in the said county, plumber and glazier and dealer in glass.—Official assignee, Hobson.—Sols. Hall & Co. Verulam-buildings, and Aspinall, Manchester. Fiat, Dec. 7. Bankrupt's own petition.

HEPWORTH Lancelot, of Manchester, in the county of Lancaster, shopkeeper, *d. c.*—Official assignee, Pott.—Sols. Hall & Co. Verulam-buildings, and Leeming, Manchester. Fiat, Dec. 6. Pet. Cr. William Warburton, of Manchester, corn-factor.

LUPTON George, of St. Helen's, in the county of Lancaster, tailor and draper.—Official assignee, Bird.—Sols. Gregory & Co. Bedford-row, Marsh, St. Helen's, and Green, Liverpool. Fiat, Dec. 9. Bankrupt's own petition.

PERROTT Daniel Taylor, of the city of Bristol, grocer, *d. c.*—Official assignee, Acraman.—Sols. Perkins, Bristol, and Brittan & Son, Bristol. Fiat, Dec. 8. Pet. Crs. Edward and George Thomas, and John Sanderson Thomas, of Bristol, wholesale grocers.

ROSE Edward, late of Deanshanger, in the county of Northampton, licensed victualler, but now of Roade, in the same county, out of business.—Official assignee, Follett.—Sols. Pittingdreigh & Stevenson, Gray's Inn.

SILCOCK William, the younger, of the Duke of Bedford public-house, No. 6, Crawley-street, Oakley-square, in the parish of St.

Pancras, in the county of Middlesex, victualler, *d. c.*—Official assignee, Green.—Sols. Scadding & Son, Gordon-street. Fiat, Dec. 9. Bankrupt's own petition.

SPINK William, of Purston Jackling, in the parish of Featherstone, in the county of York, butcher.—Official assignee, Stansfeld.—Sols. Lever, King's-road, and Messrs. Clough, Pontefract. Fiat, Dec. 6. Pet. Crs. George Brook, of Pontefract, butcher, and Elizabeth his wife.

SPOONER Eli, of Hanley, in the county of Stafford, butcher, *d. c.*—Official assignee, Valpy.—Sols. Challinor, Hanley, and Smith, Birmingham. Fiat, Dec. 4. Bankrupt's own petition.

STELFOX Joseph, of Manchester, in the county of Lancaster, commission-agent and share-broker.—Official assignee, Hobson.—Sols. Vincent, Temple, and Simpson, Manchester. Fiat, Dec. 9. Bankrupt's own petition.

WADE James, of Lison-grove, in the county of Middlesex, draper, *d. c.*—Official assignee, Pennell.—Sols. Hardwick & Davidson, Weavers' Hall. Fiat, Dec. 8. Pet. Crs. John Baggallay, Robert Spence, Richard Baggallay, George Spence, Thomas Weston Baggallay, and William Morley Westall, of Love-lane, warehousemen.

WILLIAMS Joseph, of the New Inn Hotel, Westminster-bridge-road, in the county of Surrey, licensed victualler, *d. c.*—Official assignee, Pennell.—Sol. Warrand, Skinner-street, Snow-hill. Fiat, Dec. 7. Bankrupt's own petition.

CERTIFICATES to be allowed January 4.

Benn William Wilshe, of Liverpool, merchant.

Day Joseph Jennings, of Liverpool, ship-broker.

Fawcett John, of Richmond, draper and watch-maker.

Hatfield John, jun., of Southwell, victualler and butcher.

Lord Samuel, of Liverpool, wool-dealer.

Thackray Richard, of Manchester, cloth-merchant, (partner with William Wilks Blackett and Robert Tennant).

DIVIDENDS.

Date of Fiat.

1846, **GRAHAM** Charles William, of King's Arms-yard, Coleman-street, London, merchant, trading under the firm of Charles Graham & Co.; div.

1847, **MORSE** Joseph, of Neithrop, in Banbury, Oxfordshire, wool-stapler; div.

1845, **PEAKE** James, of Tolleshunt Knights, Essex, miller; div.

1846, **PHILLIPS** Francis Freeman, of Bristol, coach-maker; div.

1846, **ROBINSON** Thomas, of Swansea, Glamorganshire, grocer; div.

1846, **ROGERS** George, of Gloucester, ironmonger and general smith; div.

1847, **THOMAS** David Richard, of Llamas-street, Carmarthen, draper; div.

1847, **TUBBS** Richard Thomas, of No. 74, Aldermanbury, London, and of No. 119, Shoreditch, Middlesex, silk-agent and trimming-seller; div.

1844, **WALLER** Henry May, of Foulsham, Norfolk, merchant and tailor; div.

Gazette, Friday, December 17.

BANKRUPTS.**BANKRUPTCY SUPERSEDED.**

THACKER William, of Birmingham, victualler.

TOWN AND COUNTRY FIATS.

ALANSON Edward, of Liverpool, in the county of Lancaster, wisemercant.—Official assignee, Bird.—Sols. Norris & Co. Bedford-row, and Norris, Liverpool. Fiat, Dec. 10. Pet. Cr. Ann Agnes Alanson, of Walton on the Hill, widow.

BINNS John, of Newland-place, Kensington, and of Acton, both in the county of Middlesex, linen-draper, *d. c.*—Official assignee, Turquand.—Sol. Jones, Sise-lane. Fiat, Dec. 13. Pet. Crs. John Falshaw Pawson and John Stone, of St. Paul's-churchyard, warehousemen.

BOYLS William, of No. 6, Upper Lisson-street, Lisson-grove, in the parish of St. Marylebone, in the county of Middlesex, licensed victualler, *d. c.*—Official assignee, Groom.—Sol. Ivimey, Chancery-lane. Fiat, Dec. 11. Bankrupt's own petition.

BRIGGS Edward, of Castleton Mills, near Rochdale, in the county of Lancaster, hatter and silk-spinner, *d. c.*, trading under the style or firm of Edward Briggs & Company.—Official assignee, Hobson.—Sols. Barlow & Aston, Manchester. Fiat, Dec. 14. Bankrupt's own petition.

BUTLER George, of Liverpool, in the county of Lancaster, ship-broker and commission-agent, *d. c.*—Official assignee, Cazenove.—Sols. Carpenter, Staple Inn, and Daly, Liverpool. Fiat, Dec. 10. Bankrupt's own petition.

DAVISON John, of Leeds, in the county of York, coach-builder, *d. c.*—Official assignee, Young.—Sols. Jones & Co. John-street, and Harle & Clarke, Leeds. Fiat, Dec. 9. Bankrupt's own petition.

EWENS George Davy, of Axminster, in the county of Devon, butter merchant, *d. c.*—Official assignee, Hernaman.—Sols. Nicoletts, Bridport, and Stogdon, Exeter. Fiat, Dec. 8. Pet. Crs. Francis Hernaman, of Exeter, gent., William Colfox, of Bridport, gent., and Job Legge, of Barton Bradstock, Dorsetshire, gent.

FIELD Henry Edward, of No. 19, Mark-lane, in the city of London, eating-house keeper, *d. c.*—Official assignee, Green.—Sols. Mitton & Co. Southampton-buildings. Fiat, Dec. 14. Bankrupt's own petition.

FRY Samuel Brown, of the city of Bristol, warehouseman, *d. c.*—Official assignee, Acraman.—Sols. Allen & Co. Queen-street. Fiat, Dec. 13. Pet. Crs. John Hyde, William and John Hamilton, and James Rutherford Laurie, of Cheapside, fringe-manufacturers.

HAMMON Henry John, of Threadneedle-street, in the city of London, architect, and of Greek-street, Soho, in the county of Middlesex, jewel-case maker.—Official assignee, Follett.—Sol. Bennett, Bloomsbury-square. Fiat, Dec. 15. Pet. Cr. William Bullock, of Paternoster-row, silk-manufacturer.

HOLMES Thomas, of Pendleton, in the county of Lancaster, bleacher, *d. c.*, carrying on business under the style of Thomas Holmes & Company.—Official assignee, Pott.—Sols. Gregory & Co. Bedford-row, and Rushton & Armstead, Bolton-le-Moors. Fiat, Dec. 9. Bankrupt's own petition.

LAKE William, of No. 170, Fleet-street, in the city of London, printer.—Official assignee, Pennell.—Sols. Rolfe & Edmunds, Gray's Inn. Fiat, Dec. 16. Pet. Crs. Thomas Arding, sen. and jun., of Dorset-street, Fleet-street, builders.

LAKE Henry White, of Liverpool, in the county of Lancaster, commission-merchant.—Official assignee, Turner.—Sols. Oliver, Old Jewry, and Evans & Son, Liverpool. Fiat, Dec. 10. Bankrupt's own petition.

LEEDHAM John, of the Queen's Head, in Northwram, in the parish of Halifax, in the county of York, innkeeper, *d. c.*—Official assignee, Freeman.—Sols. Jacques & Co. Ely-place, and Stocks & Co. Halifax. Fiat, Dec. 6. Pet. Crs. Michael and Joseph Stocks, of Halifax, gents. and copartners.

MORRISON John, of No. 76, Cheapside, in the city of London, tailor and draper, *d. c.*—Official assignee, Belcher.—Sols. Messrs. Linklater, Leadenhall-street. Fiat, Dec. 14. Bankrupt's own petition.

NEWMAN Richard, of the city and county of Bristol, grocer.—Official assignee, Miller.—Sols. Boykett, Chancery-lane, and Ayre, jun., Bristol. Fiat, Dec. 10. Bankrupt's own petition.

NORRIS James, of Manchester, in the county of Lancaster, woollen-merchant and commission-agent, *d. c.*—Official assignee, Hobson.—Sols. Johnson & Co. Temple, and Hitchcock & Co. Manchester. Fiat, Dec. 14. Bankrupt's own petition.

PEARCE Isaac Newton, of No. 15, Renshaw-street, Liverpool, in the county of Lancaster, stationer and bookbinder.—Official assignee, Cazenove.—Sols. Rogerson, Lincoln's Inn-fields, and Davenport & Son, Liverpool. Fiat, Dec. 7. Bankrupt's own petition.

PIKE Frederick, of No. 77, St. Margaret's-hill, High-street, Southwark, in the county of Surrey, tallow-chandler, oil and Italian

warehouseman, *d. c.*—Official assignee, Edwards.—Sol. Welborne, Tooley-street. Fiat, Dec. 15. Pet. Crs. Francis Brown Brodribb and George Smith, of Bermondsey New-road, soap-makers.

PLATT John Parry, of Liverpool, in the county of Lancaster, commission merchant, *d. c.*—Official assignee, Morgan.—Sols. Oliver, Old Jewry, and Evans & Son, Liverpool. Fiat, Dec. 10. Bankrupt's own petition.

RAYMOND Thomas, of Bishop's road, Paddington, in the county of Middlesex, builder, *d. c.*—Official assignee, Belcher.—Sol. Rushbury, Cook's-court. Fiat, Dec. 14. Bankrupt's own petition.

RIGBY George, and John Rigby, of Liverpool, in the county of Lancaster, coal-merchants, railway contractors, *d. c.*—Official assignee, Morgan.—Sols. Oliver, Old Jewry, and Evans & Son, Liverpool. Fiat, Dec. 8. Pet. Cr. John Barlow Williams, of Liverpool, nail-manufacturer.

ROBERTS Robert, of the Bull Inn, in the town of Denbigh, in the county of Denbigh, innkeeper, *d. c.*—Official assignee, Morgan.—Sols. Pocock, Bartholomew-close, and Smart, Ruthin. Fiat, Dec. 13. Bankrupt's own petition.

ROBISON Joseph, of Ipswich, in the county of Suffolk, draper.—Official assignee, Cannan.—Sols. Sole & Turner, Aldermanbury. Fiat, Dec. 15. Bankrupt's own petition.

SINGER Adam, of Trowbridge, in the county of Wilts, grocer, trader, *d. c.*—Official assignee, Acraman.—Sol. Linklater, Leadenhall-street. Fiat, Dec. 14. Pet. Cr. Clement Dresser, of Basinghall-street, woollen-merchant.

STOTT Thomas, of Liverpool, in the county of Lancaster, laceman, *d. c.*—Official assignee, Fraser.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, Dec. 9. Pet. Crs. Samuel and James Watts, of Manchester, merchants.

SWIFT Algernon Horatio, of Crosby Hall Chambers, Bishopsgate-street, in the city of London, iron-merchant, and of Hyatt's Colliery, Rowley Regis, near Dudley, in the county of Stafford, coal-master and iron-merchant, *d. c.*—Official assignee, Whitmore.—Sols. Smith, Birmingham, and Jones, Worcester. Fiat, Dec. 10. Bankrupt's own petition.

WORKMAN George, of St. George's-place, Water-lane, Brixton, in the county of Surrey, beer-shop keeper and cowkeeper.—Official assignee, Bell.—Sol. Dollman, New Bridge-street. Fiat, Dec. 13. Pet. Cr. Thomas Packer, of Sutton, gent.

CERTIFICATES to be allowed January 7.

Byers Thomas, of Upper Lisson-street, victualler.
Dunlop John, of Dover-road, and Trindon, coal-merchant.
Frost George, of Leadenhall-street, cutler.
Houghton Charles, of Farrington, ironmonger.
Hurley John, of Halesowen, victualler.
Law James, of Faversham, coal-merchant.
Owen Stephen, of Liverpool, flour-dealer.
Pinder Thomas Hutchins, of Southampton, Cheltenham, and Gloucester, tailor.
Shelton Lavender, of Hitchin, hawker and shoe-dealer.
Taverner John, of Nuneaton, silk-manufacturer.

DIVIDENDS.

Date of Fiat.

1847, **DAY** George Thomas, of the Commercial-road, Pimlico, Middlesex, civil engineer and manufacturer of ventilating apparatus; div.
1847, **DEER** Joseph, of No. 20, Bryanstone-street, Edgeware-road, Middlesex, wheelwright; div.
1847, **HAMMER** William, and John Hammer, of Whitechapel-road, Middlesex, coach-makers; div.
1847, **LOMER** Diedrick Carsten Hermann, of London-street, London, merchant; div.
1847, **MADDISON** George, of Swaffham, Norfolk, grocer and tallow-chandler; div.
1847, **OAKLEY** John, and Benjamin Oakley, of Southampton, builders and upholsterers; div.
1846, **ROLFE** Francis, of Great Marlborough-street, Middlesex, tailor; div.
1847, **RIDLEY** Edward, of Leicester, linen-draper and mercer; div.

Date of Fiat.

- 1847, SAPH Robert Powell, of Salisbury, Wiltshire, hatter; div.
 1847, TAYLOR Isaac Cleaver, of Change-alley, Cornhill, London, tailor; div.
 1847, TURNER Joseph, of No. 43, Ludgate-hill, London, jeweller; div.

Gazette, Tuesday, December 21.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

- BISHOP Nathaniel, the younger, of Honiton, in the county of Devon, victualler.—Official assignee, Hirtzel.—Sols. Townsend & Stamp, Honiton, Daw, Exeter, and Robinson & Barlow, Essex-street. Fiat, Dec. 16. Bankrupt's own petition.
- CALLAM George, of the city of Manchester, shawl and fringe manufacturer and Scotch warehouseman, *d. c.*—Official assignee, Pott.—Sols. Reed & Co. Friday-street, and Sale & Co. Manchester. Fiat, Dec. 15. Pet. Cra. Henry Lewis and Thomas Smith, of Manchester, silk-manufacturers.
- CHAPPLE Thomas, of No. 5, Borough-road, in the county of Surrey, tailor and draper, *d. c.*—Official assignee, Bell.—Sol. Hill, Moorgate-street. Fiat, Dec. 17. Pet. Cr. William Frith, of No. 2, Aldgate High-street, woollen-draper.
- FIELDING Joseph, of Middleton, in the county of Lancaster, corn-dealer, *d. c.*—Official assignee, Hobson.—Sols. Keightley & Co. Chancery-lane, and Barratt, Manchester. Fiat, Dec. 11. Pet. Cra. John Barratt and Michael Truman, of Manchester, corn-merchants.
- GIMSON William, of the Welford-road, Leicester, in the county of Leicester, builder, *d. c.*—Official assignee, Bittleston.—Sols. Gregory, Leicester, and Motteram & Knowles, Birmingham. Fiat, Dec. 13. Pet. Cra. Abraham and John Wade, of Hull, timber-merchants.
- HARGREAVES George, and Joseph Hargreaves, both of Manchester, and of Liverpool, both in the county of Lancaster, merchants, carrying on business in copartnership together and with Thomas Platt, at Manchester aforesaid, under the firm of Joseph Hargreaves & Co., and also at Liverpool aforesaid, under the firm of George Hargreaves & Co.—Official assignee, Pott.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, Dec. 11. Pet. Cra. Robert Heywood, sen. and jun., of Blackburn, cotton-spinners.
- HARGREAVES George, of Manchester, and of Liverpool, both in the county of Lancaster, merchant, carrying on business in copartnership with Joseph Hargreaves and Thomas Platt, at Manchester aforesaid, under the firm of Joseph Hargreaves & Co., and also carrying on the business of a merchant at Liverpool aforesaid, in his own name.—Official assignee, Pott.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, Dec. 13. Pet. Cr. Joseph Eccles, of Blackburn, cotton-spinner.
- HARPER James, of Dudley, in the county of Worcester, and of Walsall, Tipton, and Bilston, all in the county of Stafford, mercer and draper, *d. c.*—Official assignee, Fraser.—Sols. Reed & Co. Friday-street, and Sale & Co. Manchester. Fiat, Dec. 14. Pet. Cr. David Ainsworth, of Manchester, merchant.
- HARVEY John, of Sidmouth, in the county of Devon, printer, book-seller, and stationer.—Official assignee, Hernaman.—Sols. Nicholls, Bridport, Stogdon, Exeter, and Brace, Surrey-street. Fiat, Dec. 15. Bankrupt's own petition.
- NEVILL Frederick, of Little Love-lane, in the city of London, commission-agent.—Official assignee, Turquand.—Sol. Lloyd, Milk-street. Fiat, Dec. 17. Bankrupt's own petition.
- NORMAN William, of Gillingham, in the county of Suffolk, coal-merchant, *d. c.*—Official assignee, Belcher.—Sols. Galsworthy & Nicholls, Cook's-court. Fiat, Dec. 17. Bankrupt's own petition.
- ORPWOOD Thomas, of No. 17, Bear-street, Leicester-square, in the county of Middlesex, coach-currer, *d. c.*—Official assignee, Graham.—Sols. King & Co. Temple. Fiat, Dec. 14. Pet. Cr. John Noblett, of No. 24, Drury-lane, tanner and currer.

READY Henry, of Hounslow, in the county of Middlesex, builder, *d. c.*—Official assignee, Bell.—Sols. Brady & Son, Staple Inn. Fiat, Dec. 17. Bankrupt's own petition.

RICHARDS John, of Merthyr Tydvil, in the county of Glamorgan, woollen draper, *d. c.*—Official assignee, Hutton.—Sols. Linklaters, Leadenhall-street. Pet. Cra. John Linklater and James Harvie Linklater, of Leadenhall-street, attorneys-at-law.

SANDILANDS William, of No. 14, South Lambeth, and of No. 27, Walnut-tree-walk, Lambeth, in the county of Surrey, pianoforte-maker, *d. c.*—Official assignee, Johnson.—Sol. Tripp, Adelaide-place. Fiat, Dec. 17. Bankrupt's own petition.

STEER George Hobson, of Sheffield, in the county of York, commission-agent, *d. c.*—Official assignee, Freeman.—Sols. Nixon, Clifford's Inn, and Binney, Sheffield. Fiat, Dec. 9. Bankrupt's own petition.

STEPHENSON James, of West Kirby, in the county of Chester, cowkeeper, market-gardener, *d. c.*—Official assignee, Morgan.—Sols. Vincent, Temple, and Jones, Liverpool. Fiat, Dec. 7. Bankrupt's own petition.

TIMPERLEY Samuel, and Joseph Timperley, both of Ashton-under-Lyne, in the county of Lancaster, linen-drappers and copartners.—Official assignee, Pott.—Sols. Atkinson & Co. Manchester, and Abbott, Charlotte-street. Fiat, Dec. 1. Pet. Cra. Samuel and James Watts, of Manchester, merchants.

WEST William, of Nos. 5 and 6, London-terrace, Hackney-road, in the county of Middlesex, linen-draper, *d. c.*—Official assignee, Edwards.—Sol. Moss, Serjeants' Inn. Fiat, Dec. 18. Pet. Cr. William Edward Alee, of Newmarket-terrace, Cambridge Heath, gent.

WILCOX John, of Wharston-lane, in Birmingham, in the county of Warwick, provision-dealer, butcher, *d. c.*—Official assignee, Whitmore.—Sol. Harding, Birmingham. Fiat, Dec. 2. Bankrupt's own petition.

WOODS Thomas, of Cambridge, and of Barnwell, in the county of Cambridge, and of Mildenhall, in the county of Suffolk, draper, *d. c.*—Official assignee, Turquand.—Sols. Sole & Turner, Aldermansbury. Fiat, Dec. 11. Pet. Cr. Thomas Tarsey, of Gresham-street West, warehouseman.

CERTIFICATES to be allowed January 11.

- Baird Hansel, of Gloucester, grocer and baker.
 Bellars Henry John, of Whitteale, money-scriver.
 Carpenter Charles, of Basingstoke, baker and grocer.
 Claridge Francis, of Southampton-row, wine-merchant.
 Dubbins Edward, of the Strand, hotel-keeper.
 Duckham George, of Merthyr, butcher and publican.
 Featherstonhaugh Joseph, and William Putterill, of Saint Martin's Northamptonshire, railway contractors.
 Harmer Richard, of Spital-square, silk-manufacturer, (partner with Isaac Boyd).
 Hocken Stephen, of Albion-road, Dalston, builder.
 Ricketts Frederick, and Trevenen James, of Moorgate-street, merchants.
 Rippon John, of Bristol, baker.
 Ross James, of Great Tower-street, grocer.
 Shann Thomas Graves, of Leeds, woollen-cloth merchant.
 Small George, of Coventry, draper.
 Wragg Jonathan, of Westminster-bridge-road, iron-merchant.

DIVIDENDS.

Date of Fiat.

- 1846, BIRLEY John, of Lower Bentcliffe Mill, in Eccles, Lancashire, card-manufacturer; first div.
- 1846, BOYD John, and James Boyd, of Wellington Chambers, Southwark, Surrey, hop, seed, and guano merchants, trading under the firm of John Boyd & Co.; joint and sep. divs.
- 1847, CARTER Thomas, of King-street, Reading, Berkshire, jeweller; div.
- 1847, CLARK Francis, the younger, of Bury St. Edmunds, Suffolk, innkeeper; div.
- 1837, COOPER Bradley Jacob, of Harleston, Suffolk, coal, hop, corn, and hay merchant; div.

Date of Fiat.

- 1841, CURTIS Timothy Abraham, of Tokenhouse-yard, London, merchant, as a trader indebted together with his partner, Nicholas Garry, carrying on business under the firm of Garry & Curtis; joint div.
- 1846, FORMAN Henry, of Pulham Saint Mary Magdalen, Norfolk, baker; div.
- 1845, GREEN George How, and George Courthope Green, of Barge-yard, Bucklersbury, London, wholesale stationers; joint div.
- 1847, JOHNSON Robert, the younger, of Pakefield, Suffolk, grocer; div.
- 1840, LUCAS John Carter, and Thomas Lucas, of Aldersgate-street, London, lozenge manufacturers, trading under the style or firm of Lucas, Brothers; div.
- 1847, PARRISH Joseph, of No. 4, High-street, Newington, Surrey, and late of No. 10, Mercery-lane, Canterbury, draper; div.
- 1844, SAWYER John, of Egham, Surrey, butcher; div.
- 1846, SNOWDEN Edmund, of Alton, Southampton, painter, plumber, and glazier; div.
- 1847, TOWNSEND Joseph Thomas, of High-street, Islington, Middlesex, carpet-dealer; div.
- 1847, WOODHOUSE Henry, and Thomas Theakstone Woodhouse, of Aldermanbury, London, warehousemen; div. of T. T. Woodhouse.
- 1847, YORKE Samuel, of Cambridge, upholsterer; div.

Gazette, Friday, December 24.

BANKRUPTS.

BANKRUPTCIES SUPERSEDED.

- JOHNSTON Alice, of Liverpool, tailor.
- MABBOTT Joseph, of Milton, printer.

TOWN AND COUNTRY FIATS.

- ABRAM Richard, of No. 2, Craven-terrace, Upper Parliament-street, Windsor, in the borough of Liverpool, in the county palatine of Lancaster, and having an office of business in Leigh-street, within the said borough, and there carrying on the trade or business of a wholesale and retail wine-merchant.—Official assignee, Morgan.—Sols. Skilbeck & Co. Southampton-buildings, and Thompson, Liverpool. Fiat, Nov. 12. Bankrupt's own petition.
- AMBROSE Robert, of Plymouth, in the county of Devon, builder, *d. c.*—Official assignee, Hirtzel.—Sols. Edmonds & Son, Plymouth, Stogdon, Exeter, and Clowes & Co. Temple. Fiat, Dec. 21. Pet. Cr. John Collier, of Plymouth, merchant.
- BAILEY Thomas, of Croydon, in the county of Surrey, builder, *d. c.*—Official assignee, Whitmore.—Sols. Stevens & Gosling, Gray's Inn-square. Fiat, Dec. 16. Pet. Cr. Henry Hammond, of Croydon, ironmonger.
- BARTON William Robert, otherwise Robert Barton, of No. 2, Davies-street, Oxford-street, Middlesex, oil and colourman, *d. c.*—Official assignee, Edwards.—Sol. Loughborough, Austin-frisers. Fiat, Dec. 13. Pet. Cr. William Dawson, of Leith, colour-manufacturer.
- BERRIDGE Thomas, carrying on business at Market-street, Manchester, in the county of Lancaster, as a dealer in cigars and tobacco.—Official assignee, Pott.—Sols. Johnson & Co. Temple, and Hadfield, Manchester. Fiat, Dec. 20. Pet. Cr. Elizabeth Bridge, of Cheetham, widow.
- BLAIN William, of Liverpool, in the county of Lancaster, corn-merchant and factor, carrying on business under the firm of Samuel Blain & Son.—Official assignee, Casenove.—Sols. Sharpe & Co. Bedford-row, and Lownds & Co. Liverpool. Fiat, Dec. 13. Bankrupt's own petition.
- BURR William, of Colham-green, Hillingdon, in the county of Middlesex, miller, commission-agent, *d. c.*—Official assignee, Groom.—Sol. Davis, Blackfriars-road. Fiat, Dec. 22. Pet. Cr. Andrew Richards, of Guildford-place, Bagnigge Wells-road, furniture-dealer.

BURR George, of St. Helen's Farm, in the parish of East Farleigh, in the county of Kent, market-gardener, *d. c.*—Official assignee, Pennell.—Sols. Atkins & Andrews, White Hart-court, Lombard-street. Fiat, Dec. 22. Bankrupt's own petition.

CARDING Walter, of Liverpool, in the county of Lancaster, tavern-keeper, victualler, *d. c.*—Official assignee, Turner.—Sols. Chester & Co. Staple Inn, and Brabner & Haigh, Liverpool. Fiat, Dec. 13. Pet. Cr. James Lane, of Liverpool, spirit-merchant.

CARR William, of No. 151, Bishopsgate-street Without, in the city of London, cheesemonger, *d. c.*—Official assignee, Graham.—Sols. Marten & Co. Mincing-lane. Fiat, Dec. 16. Pet. Cr. Henry Grainger and Frederick William Grainger, of Pudding-lane, provision-brokers.

COOKE John, of Ross, in the county of Hereford, skinner and leather-dresser, *d. c.*—Official assignee, Valpy.—Sols. Brittan & Sons, Bristol, and Hodgson, Birmingham. Fiat, Dec. 14. Pet. Cr. Elles Lee Sanders, of Ross, tanner.

CORRICK Alexander Speers, of the city of Bristol, mahogany and timber merchant, *d. c.*—Official assignee, Hutton.—Sols. Lammin, John-street, and Brittan, Bristol. Fiat, Dec. 21. Pet. Cr. Francis Kentucky Barnes, James Staples, and Edward Hugh Shoard, of Bristol, timber-merchants.

CRANKSHAW William, late of Samlisbury, but now of Preston, both in the county of Lancaster, cotton-spinner, *d. c.*—Official assignee, Fraser.—Sols. Winstanly & Charnley, Preston, and Gregory & Co. Bedford-row. Fiat, Dec. 17. Pet. Cr. Thomas Beveridge and John Stuart, of Preston, engineers.

DAVIES Jonathan, of Brynmawr, in the parish of Llanelly, in the county of Brecon, victualler, *d. c.*—Official assignee, Miller.—Sols. Blower & Co. Lincoln's Inn-fields, and Leman, Bristol. Fiat, Dec. 20. Bankrupt's own petition.

EVANS Anne, of the Beaufort Arms Inn, Raglan, in the county of Monmouth, victualler, *d. c.*—Official assignee, Hutton.—Sols. George, Monmouth, and Messrs. Bevan, Bristol. Fiat, Dec. 13. Pet. Cr. James Charles Biss, of Monmouth, corn-factor.

GOMERSALL Joseph, late of Gomersall, but now of Cleckheaton, both in the county of York, corn-miller and starch-manufacturer.—Official assignee, Hope.—Sols. Flower, Bread-street, Carr, Gomersall, and Blackburn, Leeds. Fiat, Dec. 17. Bankrupt's own petition.

HARRISON Anthony, of Friar's Goose Alkali Works, near Gateshead, in the county of Durham, alkali manufacturer.—Official assignee, Wakley.—Sols. Williamson & Hill, Great James-street, and Ingledew, Newcastle. Fiat, Dec. 20. Bankrupt's own petition.

HENSHALL William, of Prestbury, in the county of Chester, formerly of Bollington, in the same county, and of Stoke-upon-Trent, in the county of Stafford, mineral miller.—Official assignee, Fraser.—Sols. Hale, Manchester, and Tatham & Procter, Lincoln's Inn. Fiat, Dec. 20. Bankrupt's own petition.

HOOD Robert, of Haughley Old-street, in the parish of Haughley, near Stowmarket, in the county of Suffolk, brewer, beer-house keeper, and general dealer, formerly a bricklayer and builder.—Official assignee, Groom.—Sols. Kirk, Symond's Inn, and Goldsworthy, Ipswich. Fiat, Dec. 17. Bankrupt's own petition.

MORGAN Godfrey, of Warminster, in the county of Wilts, maltster, hair-manufacturer, *d. c.*—Official assignee, Green.—Sol. Berkeley, Lincoln's Inn-fields. Fiat, Dec. 7. Pet. Cr. Matthew Davis, of Warminster, gent.

OWEN Albert Philip, of Aylesbury, in the county of Buckingham, surgeon and apothecary.—Official assignee, Turquand.—Sols. Branscomb, Wine Office-court, and Benson, Aylesbury. Fiat, Dec. 20. Bankrupt's own petition.

PASLEY James, of No. 52, Cannon-street, St. George's in the East, in the county of Middlesex, ship-owner.—Official assignee, Johnson.—Sol. Hodgson, Great Tower-street. Fiat, Dec. 15. Pet. Cr. James Williams, of Ratcliffe-highway, ship-owner.

PEAKE Frederick, of Honiton, in the county of Devon, draper, mercer, and hosier, *d. c.*—Official assignee, Hirtzel.—Sols. Townsend & Stamp, Honiton, Daw, Exeter, and Robinson & Barlow, Essex-street. Fiat, Dec. 20. Bankrupt's own petition.

PEYMAN Thomas, of Abingdon, in the county of Berks, builder, *d. c.*—Official assignee, Whitmore.—Sols. Messrs. Helder, Great James-street.

PHILPS Richard Wix, of Dorking, in the county of Surrey, formerly fellmonger and woolstapler, late agent to the Royal Exchange Corporation of London, and now or late carrying on the business of the Waterworks at Dorking aforesaid.—Official assignee, Bell.—Sol. Morphet, Sergeants' Inn. Fiat, Dec. 21. Pet. Cr. Samuel Lifford, of Dorking, carpenter.

PHILLIPS John, of the town of Cambridge, in the county of Cambridge, boot and shoe maker.—Official assignee, Green.—Sol. Thorndike, Staple Inn. Fiat, Dec. 14. Bankrupt's own petition.

ROBINS Richard John Saltren, of Tavistock, in the county of Devon, attorney, *d. c.*—Official assignee, Hernaman.—Sols. Stogdon, Exeter, and Keddell & Co. Lime-street. Fiat, Dec. 20. Bankrupt's own petition.

SEARLE Henry, of Beaumont-street, Oxford, tailor and draper.—Official assignee, Follett.—Sols. Wood & Fraser, Dean-street. Fiat, Dec. 18. Pet. Cr. William Sydney Wheeler, of Ludgate-street, warehouseman.

SHERWOOD William, of the Belvedere-road, Lambeth, in the county of Surrey, builder and carpenter, *d. c.*—Official assignee, Groom.—Sols. Bromley & Aldridge, Gray's Inn. Fiat, Dec. 15. Pet. Cr. William Froom, of the Strand, glass-manufacturer.

SUTTON Charles Roads, of Whittlesea, in the Isle of Ely, in the county of Cambridge, corn-merchant.—Official assignee, Johnson.—Sols. Pickering & Co. Lincoln's Inn-fields. Fiat, Dec. 16. Pet. Cr. William Edwards Read, of Stretham, corn-merchant.

THOMPSON Elizabeth, of Salford, in the county of Lancaster, licensed victualler.—Official assignee, Pott.—Sols. Cobbett, Manchester, and Spinks, Great James-street. Fiat, Dec. 17. Bankrupt's own petition.

WALKER William, of Birmingham, in the county of Warwick, hosier and tailor, *d. c.*—Official assignee, Whitmore.—Sols. Reed & Co. Friday-street, and Motteram & Knowles, Birmingham. Fiat, Dec. 7. Pet. Crs. William Lord, John Derby Allcroft, Francis Lycett, and John Girvan, of Wood-street, wholesale glovers.

CERTIFICATES to be allowed January 14.

Bignell George Coombes, of Leeds, stock-jobber.
Bishop James, of Little Russell-street, Gilbert-street, and Bury-street, wheelwright.
Bowen Henry, of Coventry, clothier.
Burt James, James Burt, jun., and William Tottie Watson, of Manchester and Leeds, commission-agents.
Cockings Samuel, of Torquay, timber-merchant.
Gilbert John, of Boston-street, Hackney-road, millwright.
Grills William, of Launceston, rope-manufacturer.
Hattersley George, of Sheffield, stove-grate manufacturer.
Henson James, of Bury-court, upholsterer.
Inskipp Alfred, of Long-lane, Bermondsey, leather-manufacturer, (partner with John Dailey).
Leighton Andrew, of Liverpool, broker.
Mallet William, of Manchester, milliner.
Maraden William, of Manchester, commission-agent.
Meunier Louis, of Leicester-place, hotel-keeper.
Norris William, of Camden New-town, builder.
Organ Bryant, of Westbromwich, soda-water manufacturer.
Pells John, of Great Yarmouth, grocer.
Phillips Charles, of Bristol, engineer.
Phillips John Aldam, of Riches-court, merchant.
Richardson James, of Union-street, Spitalfields, glass-dealer.
Wiggins Frederick, of Union-street, Blackfriars, horse-contractor.

DIVIDENDS.

Date of Fiat.

1846, ANDREWS James, of Llantrissant, Glamorganshire, grocer and draper; div.
1847, BATE William, of Bridgnorth, Salop, millwright; div.
1847, BUTCHER Henry, of No. 46, Lamb's Conduit-street, Middlesex, poulterer, pork-butcher, and cheesemonger; div.

Date of Fiat.

1842, CHAMBERS Abraham Henry, the elder, and Abraham Henry Chambers, the younger, late of New Bond-street and South Molton-street, Middlesex bankers; sep. div. of Chambers, sen.
1847, CRAFT William, of Spring-street, Paddington, Middlesex, fishmonger; div.
1847, DIRCKS Henry, of Winsley-street, Oxford-street, Middlesex, and of Nicholas-lane, London, manufacturer of malt and hop extract; div.
1847, FROST George, of No. 143, Leadenhall-street, London, cutler; div.
1846, GASS Joseph, of Colchester, Essex, draper; div.
1846, GRAY Frederick Clement, late of Hale-end, Walthamstow, Essex, but now of Melicent Cottages, Forrest-row, Dalston, Middlesex, boarding and lodging house keeper; div.
1847, HOLDITCH George, John Flinn Holditch, and Edward Duncan Holditch, of Bankside, Southwark, Surrey, cider-merchants; div.
1847, JAMES Edward Lloyd, of No. 66, Queen-street, Cheapside, London, stationer; div.
1847, KNIGHT Charles Cleaver, of Landport, Southampton, draper; div.
1847, MEYER Edward Simeon, and Thomas George Brownsmith, trading under the style or firm of Meyer & Brownsmith, of No. 23, Bedford-street, Covent-garden, Middlesex, fringe-manufacturers; div.
1847, NEWTON John, of Stockton, Durham, ship-builder; div.
1841, SIMPSON John, of No. 2, Goswell-street, Middlesex, carrier and leather-dresser; div.
1847, STONE Michael John, of Abingdon, Berkshire, grocer; div.
1846, UFFORD John George, of Highbury Brewery, Holloway, Middlesex, common brewer; div.
1832, WARD William John, of Bermondsey-street, Southwark, Surrey, wine and spirit merchant; div.

Gazette, Tuesday, December 28.

BANKRUPTS.

TOWN AND COUNTRY FIATS.

CHATTO Thomas, of Morpeth, in the county of Northumberland, linen and woollen draper.—Official assignee, Baker.—Sols. Woodman, Morpeth, and Crosby & Compton, Old Jewry. Fiat, Dec. 22. Bankrupt's own petition.
EVANS Edward, of Wrexham, in the county of Denbigh, shop-keeper, *d. c.*—Official assignee, Turner.—Sol. Philpot, Montague-street, Hughes, Wrexham, and Evans & Son, Liverpool. Fiat, Dec. 23. Pet. Cr. Mary Ann Evans, of Wrexham, Denbighshire, spinster.
FENTON Thomas Joshua, of Falcon-square, in the city of London, wine-merchant, *d. c.*—Official assignee, Bell.—Sol. Drake, Bouverie-street. Fiat, Dec. 27. Bankrupt's own petition.
HAYWARD Robert, of Dorset-street, Landport, in the parish of Portsea, in the county of Southampton, brewer, licensed dealer in beer, *d. c.*—Official assignee, Pennell.—Sols. Low, Chancery-lane, and Paffard, Portsea. Fiat, Dec. 24. Bankrupt's own petition.
LEE William, of Woburn Green, in the county of Buckingham, fruiterer, *d. c.*—Official assignee, Cannan.—Sol. Smith, Golden-square. Fiat, Dec. 13. Bankrupt's own petition.
MALING John Smith, of Scarborough, in the county of York, joiner and builder, *d. c.*—Official assignee, Young.—Sols. Wiglesworth & Co. Gray's Inn, and Cronhelm, Leeds. Fiat, Dec. 20. Bankrupt's own petition.
MILTON Susannah, of High-street, Hounslow, in the county of Middlesex, clothier, draper, *d. c.*—Official assignee, Cannan.—Sols. Jenkinson & Co. Lombard-street. Fiat, Dec. 21. Bankrupt's own petition.
NORRIS Edward, late of Manchester, in the county of Lancaster, agent, as a trader indebted to the said petitioners, Edward Clayton

and George Robert Clayton, and John Stevenson, William M'Cartney, and Richard Powdrell Hobson, as assignees of the estate and effects of William Clayton, of Langcliffe aforesaid, banker and cotton-spinner, and formerly a copartner with the said Edward Clayton and George Robert Clayton.—Official assignee, Hobson.—Sols. Gregory & Co. Bedford-row, and Catterall, Preston.

NORTON Charles, of the parish of Ellesmere, in the county of Salop, miller.—Official assignee, Whitmore.—Sols. Tyrer, Liverpool, and Hodgson, Birmingham. Fiat, Dec. 20. Bankrupt's own petition.

SHORTER Richard Miller, of No. 34, Camomile-street, in the city of London, corn-dealer and carman, *d. c.*—Official assignee, Whitmore.—Sol. Randall, Tokenhouse-yard. Fiat, Dec. 24. Bankrupt's own petition.

SNOW Edward, of the town and county of the town of Nottingham, draper, *d. c.*—Official assignee, Bittleston.—Sol. Bowley, Nottingham. Fiat, Dec. 22. Bankrupt's own petition.

TOWNSHEND William James, of No. 27, Welclose-square, in the county of Middlesex, cork-manufacturer, *d. c.*—Official assignee, Graham.—Sols. Lawrance & Plews, Old Jewry Chambers. Fiat, Dec. 20. Bankrupt's own petition.

CERTIFICATES to be allowed January 18.

Shotter Francis, of Portsea, grocer.
Spence James, of Liverpool, merchant.
Wilson Thomas, of Sheffield, grocer.

DIVIDENDS.

Date of Fiat.

1846, **COXWELL** and Croser, of Newcastle, merchants; final joint div.

1841, **DEMISSE** and Wooler, of Bucklersbury, merchants; final joint div.

1847, **ELSTONE** Charles, of Guildford, linen-draper; div.

1843, **HAGUE** David, of Horseforth, paper-manufacturer; second and final div.

1847, **HAMILTON** Charles James, of High-street, Islington, bookseller; div.

1847, **HOLMES** and Butcher, of Lichfield, coach-builders; div.

1847, **LEWIS** William Henry, of Ludgate-street, straw bonnet maker; div.

1847, **MORRIS** John, of Walsall, saddlers' ironmonger; div.

1847, **SHARP** George, and Samuel Sharp, of Commercial-road, Lambeth, stone-masons; final joint div., and sep. div. of each.

1845, **WALKER** Henry Decimus, of Eaton Socon, innkeeper; div.

1847, **WELLBORNE** Joseph Widdowson, of Albemarle-street, silk-mercer; div.

Gazette, Friday, December 31.

BANKRUPTS.

BANKRUPTCY SUPERSEDED.

ABBOTT Edmund Henry, and Henry Nottingham, of Aldermanbury, shawl-warehousemen.

TOWN AND COUNTRY FIATS.

BLUCK Walter, of Leominster, in the county of Hereford, grocer, *d. c.*—Official assignee, Christie.—Sols. Lloyd, Ludlow, and Messrs. Gem & Docker, Birmingham. Fiat, Dec. 9. Pet. Crs. William Harley Bayley, Thomas Eyton, Charles Montgomery Campbell, William Bayley, John Locke, and Thomas Campbell Eyton, of Ludlow, Salop, bankers.

CLARK James, and Edward Goslin, of North End, Fulham, in the county of Middlesex, maltsters, *d. c.*—Official assignee, Groom.—Sols. Young & Sons, Mark-lane, Fenchurch-street. Fiat, Nov. 30. Pet. Cr. William Shott, of Shad Thames, corn-merchant.

COATES Ezra Jenks, and John Hilliard, of Bread-street, in the city of London, merchant, *d. c.*—Official assignee, Cannan.—Sols. Reed, Langford & Marsden, Cheapside, and Ashurst & Son,

Cheapside. Fiat, Dec. 22. Pet. Crs. Richard Groucock, Sampson Copestake, George Moore, and Thomas Hill Frampton, Bow Churchyard, lace-manufacturers.

COLE Joseph Windle, of No. 6, Great Winchester-street, in the city of London, merchant, hitherto carrying on business at Great Winchester-street aforesaid, under the firm of Johnson, Cole & Company.—Official assignee, Pennell.—Sol. Digby, Circus-place, Finsbury-circus. Fiat, Dec. 13. Pet. Cr. Francis Joseph Cole, of Fountain-terrace, Camberwell, and James Edward Cole, of Bombay, merchants.

DENNIS Thomas, of Woolwich, in the county of Kent, builder.—Official assignee, Edwards.—Sols. Young, Parliament-street, Westminster, and Nokes, Woolwich. Fiat, Dec. 29. Bankrupt's own petition.

EDWARDS George, of Drayton, in the county of Salop, victualler, *d. c.*—Official assignee, Whitmore, Birmingham.—Sols. Wilkinson, Grantham, Nantwich, and Motteram & Knowles, Birmingham. Fiat, Dec. 22. Bankrupt's own petition.

GATES John, Joseph Coates, Robert Thomas Bartlett, and George Beck, of Watling-street, in the city of London, warehousemen, *d. c.*—Official assignee, Follett.—Sols. Reed, Langford & Marsden, Friday-street, Cheapside. Fiat, Dec. 17. Pet. Cr. Henry Houghton, of Friday-street, warehouseman.

HALL John, of Coventry, ribbon-manufacturer, *d. c.*—Official assignee, Christie.—Sols. Messrs. Troughton & Lea, Coventry, and Messrs. Austen & Co. Gray's Inn, London. Fiat, Dec. 22. Pet. Cr. George Alexander Pridmore, of Coventry, ribbon-manufacturer.

HOOLE William, and John Lockyer, of St. James's-walk, Clerkenwell, in the county of Middlesex, steel and wire merchants, *d. c.*—Official assignee, Johnson.—Sols. Rickards & Walker, Lincoln's Inn-fields. Fiat, Dec. 21. Pet. Crs. Allen Everett and George Allen Everett, of Birmingham, metal-dealers.

LAW James, of Birkenhead, in the county of Chester, bookseller, *d. c.*—Official assignee, Bird.—Sols. Chester & Co. Staple Inn, London, and Mallaby & Townsend, Liverpool. Fiat, Dec. 24. Bankrupt's own petition.

MACBRYDE Charles Wilson, of No. 45, Watling-street, in the city of London, wine-merchant, *d. c.*—Official assignee, Edwards.—Sols. Shearman & Slater, Great Tower-street. Fiat, Dec. 23. Pet. Cr. Thomas Banning, of Mincing-lane, wine-merchant.

MALING John Smith, of Scarborough, in the county of York, builder, *d. c.*—Official assignee, Young, Wigglesworth, Ridsdale & Craddock, Gray's Inn-square, and Cronhelm, Leeds. Fiat, Dec. 20. Bankrupt's own petition.

NIGHTINGALE Robert, of Bury, in the county of Lancaster, common brewer.—Official assignee, Hobson.—Sols. Milne, Farry, Milne & Morris, Temple, Sale, Worthington & Shipman, Manchester, and Neville & Ainsworth, Blackburn. Fiat, Dec. 23. Pet. Cr. Archibald Burnett, of Salford, Lancashire, warehouseman.

POPE Richard, and John Buckingham Pope, of No. 3, Adelaide-place, London-bridge, brick and tile manufacturers.—Official assignee, Whitmore.—Sols. Dickson & Overbury, Frederick's-place, Old Jewry.

RICHARDS Benjamin, of Chard, in the county of Somerset, twine and sacking manufacturer, *d. c.*—Official assignee, Hernaman.—Sols. Nicholletts, Bridport, Stogdon, Exeter, and Brace, Strand.—Fiat, Dec. 23. Pet. Crs. Francis Hernaman, of Exeter, gent., William Colfox, of Bridport, Dorsetshire, gent., and Job Legg, of Burton Bradstock, Dorsetshire, gent., assignees of Samuel Gundry and Walter Eustace Gundry, of Bridport aforesaid, bankers.

SCRIVEN Robert Kilminster, of Brockthorp, in the county of Gloucester, baker, *d. c.*—Official assignee, Miller.—Sols. Phipps, Lambeth, and Poole, Gloucester. Fiat, Dec. 13. Pet. Cr. George Peters Wilkes, of Gloucester, solicitor.

STOCKS Thomas, of Tor, in the parish of Tormoham, in the county of Devon, baker.—Official assignee, Hirtzel.—Sols. Turner, Exeter, and Cowlard, Lincoln's Inn-fields. Fiat, Dec. 24. Bankrupt's own petition.

STUART Charles, of No. 53, Herbert-street, New North-road, in the county of Middlesex, wholesale milliner, *d. c.*—Official assignee, Edwards.—Sol. Cox, Finner's Hall, Broad-street. Fiat, Dec. 29. Bankrupt's own petition.

SUTTON William, of Stockport, in the county of Chester, cotton-waste dealer, *d. c.*—Official assignee, Pott.—Sols. Chester, Toulmin & Chester, Staple Inn, and Hardman, Manchester. Fiat, Dec. 23. Pet. Cr. John Lamb, of Manchester, gent.

TWEEDIE Janette Harriette, of Wandsworth, in the county of Surrey, bookseller, *d. c.*—Official assignee, Turquand.—Sols. Luty & Batt, Dyers' Hall. Fiat, Dec. 13. Bankrupt's own petition.

WHITE John George, of Liverpool, in the county of Lancaster, ship-broker.—Official assignee, Cazenove.—Sols. Smith & Witham, Bedford-row, London, and Greatly, Liverpool. Fiat, Dec. 24. Bankrupt's own petition.

CERTIFICATES to be allowed January 21.

Bartlett Thomas John Moysey, of Pall-mall East, bill-broker.

Buckland William, of Chippenham, innkeeper.

Capps Thomas, of Norfolk-street, Lynn, dealer in toys.

Hargill Stephen Slater, of Newlay, dyer.

Johnson Henry, of Sheffield, merchant and manufacturer.

Kevan Patrick, of Liverpool, flour-dealer.

Lambert William, of Great Titchfield-street, grocer.

Lewis William Henry, of Ludgate-street, straw-bonnet maker.

Linell Richard, of Shrewsbury, grocer.

Thompson Henry, of Manchester, corn-merchant.

DIVIDENDS.

Date of Fiat.

1847, **BELL** Mary Elizabeth, widow, and James Bell, of No. 16, Finch-lane, Cornhill, newsvenders; div.

1847, **COWCHER** Edward, of Bath, apothecary; div.

Date of Fiat.

1844, **CROSFIELD** Thomas, sen., of Kirkham, linen-draper and spirit-merchant; second div.

1846, **DAILY** John, and Alfred Inskipp, of Long-lane, Bermondsey, leather-manufacturers; div.

1847, **DAVIES** James Griffiths, of Manchester, glass-dealer and general drysalter; div. -

1847, **FAWCETT** John, of Richmond, linen and woollen draper; first div.

1843, **IMRAY** James, of Old Fish-street-hill, stationer; div.

1847, **KAY** William, William Mortimer, and Edward Fletcher, all of Bury, brass and iron founders; div.

1847, **KINGSFORD** Richard Coleman, and Henry Lowry Barnwell, of Seaton, millers and coal-merchants; div.

1847, **LLOYD** Adolphus Frederick, of No. 48, East-street, Brighton, cook and confectioner; div.

1847, **MORGAN** James, of No. 52, Southampton-row, Russell-square, tailor; div.

1843, **OLIVER** John, and John York, both of Stoney Stratford, coal and iron masters; joint and sep. divs.

1847, **RAWLINS** John, of Foley-place, coach-maker; div.

1847, **SLATER** Samuel, of Albemarle-street, Piccadilly, tailor; div.

1847, **SMITH** Samuel, and William Smith, both of Warley, Halifax, worsted-spinners; div.

1847, **TOTTERDELL** Edward Marshall, and John Gruchy, of Queen-street, Portsea, woollen-drapers; joint and sep. divs.

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